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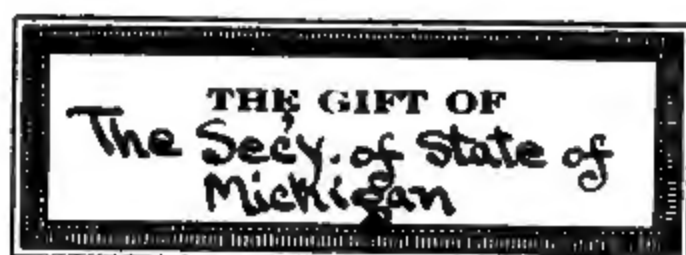
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**JOURNAL**  
**OF THE**  
**HOUSE OF REPRESENTATIVES**  
**OF THE**  
**STATE OF MICHIGAN.**

~~~~~  
**1861.**  
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PRINTED BY VIRTUE OF AN ACT OF THE LEGISLATURE, UNDER THE DIRECTION AND  
SUPERVISION OF

**Edward W. Barber,**  
**CLERK OF THE HOUSE OF REPRESENTATIVES.**  
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**LANSING:**  
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1861.







# HOUSE JOURNAL.

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*Lansing, Wednesday, January 2, 1861.*

Pursuant to the requirements of the Constitution, the members elect to the House of Representatives for the Legislature of 1861, assembled in the Hall of the House, at Lansing, on Wednesday, the second day of January, at ten o'clock A. M., and were called to order by Charles V. DeLand, clerk of the last House.

Upon examining the credentials of members, it was ascertained that every county was fully represented except the counties of Clinton and Gratiot, the county of Chippewa, the 2d district of Macomb county, the 1st district of Livingston county, and the first district of Hillsdale county.

On motion of Mr. Morrison, of Berrien,

Hon. William T. Howell, of Newaygo, was chosen temporary speaker.

On motion of Mr. Morrison, it was

*Resolved*, That a committee of three be appointed by the Speaker *pro tem.* to wait upon the Lieutenant Governor, and request him to administer the oath of office to the members elect of the House.

The Speaker *pro tem* appointed Messrs. Morrison, Sessions and Pringle said committee.

On motion of Mr. Childs, it was

*Resolved*, That Alonzo Hyde, of Berrien, be and he is hereby appointed Sergeant-at-Arms *pro tem.*

The committee appointed to wait upon the Lieutenant Governor reported that they had performed the duty assigned them,



and that Hon. James Birney, Lieutenant Governor, was in attendance to administer the oath of office to the members of the House.

The roll of members was then called by counties and districts, when the following members answered to their names, and having subscribed and taken the oath of office, were admitted to seats as Representatives in the Legislature of the State of Michigan :

*Allegan*—Franklin B. Wallin.

*Alpena*—Alonzo E. Pearson.

*Barry*—George K. Beamer.

*Bay*—Appleton Stevens.

*Berrien*—1st district, Lorenzo P. Alexander; 2d district, Alexander H. Morrison.

*Branch*—1st district, William Chase; 2d district, Charles W. Wetherby.

*Calhoun*—1st district, William Cook; 2d district, Homer C. Hurd; 3d district, Eben F. Henderson.

*Cass*—1st district, Edward H. Jones; 2d district, Edward Shanahan.

*Eaton*—1st district, Albertus L. Green; 2d district, Chauncey Goodrich.

*Genesee*—1st district, Francis H. Rankin; 2d district, Alexander W. Davis.

*Manistee, &c.*—Thomas J. Ramsdell.

*Hillsdale*—2d district, Leonard Miller; 3d district, Robert Cox.

*Houghton and Ontonagon*—Columbus C. Douglas.

*Ingham*—1st district, Hulbert B. Shank; 2d district, Marcus M. Atwood.

*Ionia*—1st district, Milo S. Baker; 2d district, Alonzo Sessions.

*Jackson*—1st district, Cerrel B. Wade; 2d district, Eugene Pringle; 3d district, Richard J. Crego.

*Kalamazoo*—1st district, Ezra C. Adams; 2d district, Gilbert E. Read.



*Kent*—1st district, Thomas D. Gilbert; 2d district, Silas S. Fallas; 3d district, William H. Taylor.

*Lapeer*—John B. Wilson.

*Lenawee*—1st district, Daniel D. Piper; 2d district, Israel S. Hodges; 3d district, Thomas F. Moore; 4th district, Noah K. Green.

*Livingston*—2d district, Jacob Kanouse.

*Manitou*—Charles R. Wright.

*Mackinac*—Alexander Toll.

*Macomb*—1st district, Thomas M. Wilson; 3d district, Dexter Mussey.

*Midland*—George F. Hemingway.

*Monroe*—1st district, Emerson Choate; 2d district, John G. Hood; 3d district, George Peters.

*Montcalm*—Martin P. Follet.

*Muskegon*—Chauncey Davis.

*Newaygo, &c.*—William T. Howell.

*Oakland*—1st district, Lysander Woodward; 2d district, Sloan Cooley; 3d district, John Hadley, jr.; 4th district, Henry K. Foote; 5th district, George Blakeslee.

*Ottawa*—John Haire.

*Saginaw*—Benjamin L. Hill.

*Sanilac*—John C. Waterbury.

*Shiawassee*—Sullivan R. Kelsey.

*St. Clair*—1st district, Nathan D. Smith; 2d district, Horace E. Bunce.

*St. Joseph*—1st district, Edwin Stewart; 2d district, William Wheeler.

*Tuscola*—Cameron O. Stoddard.

*Van Buren*—Jonathan J. Woodman.

*Washtenaw*—1st district, Sullivan M. Cutcheon; 2d district, William N. Stevens; 3d district, James W. Childs; 4th district, Charles S. Gregory.

*Wayne*—1st district, James F. Joy, Jens G. Peterson, William Phelps, Thomas W. Lockwood, William Chapoton; 2d district, John Strong, Jr.; 3d district, John S. Tibbits; 4th district, Andrew J. Leetch; 5th district, Ira Davis.



On motion of Mr. Sessions,

The House proceeded to the election of a Speaker, which resulted as follows :

FOR DEXTER MUSSEY.

Mr. Adams,	Mr. Haire,	Mr. Ramsdell,
Alexander,	Henderson,	Rankin,
Baker,	Hemingway,	Read,
Beamer,	Hill,	Sessions,
Blakeslee,	Hodges,	Shank,
Bunce,	Hood,	Shanahan,
Chase,	Howell,	Smith,
Childs,	Hurd,	W. N. Stevens,
Chapoton,	Jones,	Stewart,
Cook,	Joy,	Stoddard,
Cox,	Kanouse,	Taylor,
Orego,	Kelsey,	Tibbits,
Cutcheon,	Leetch,	Wade,
A. W. Davis,	Lockwood,	Wallin,
C. Davis,	Miller,	Waterbury,
Ira Davis,	Morrison,	Wetherby,
Fallass,	Moore,	Wheeler,
Follett,	Pearson,	T. M. Wilson,
Foote,	Peters,	J. B. Wilson,
Gilbert,	Peterson,	Woodman,
Goodrich,	Phelps,	Woodward,
A. L. Green,	Piper,	Wright,
N. K. Green,	Pringle,	

68

FOR WILLIAM BROWNELL.

Mr. Atwood,	Mr. Douglas,	Mr. A. Stevens,
Choate,	Gregory,	Strong,
Cooley,	Hadley,	Toll,

9

FOR ALONZO SESSIONS.

Mr. Mussey,	1
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The Speaker *pro tem.* announced that Hon. Dexter Mussey, of Macomb county, having received a majority of all the votes cast, was duly elected to the office of Speaker of the House.

Mr. J. B. Wilson moved that a committee of three be appointed to wait upon the Speaker elect and conduct him to the chair.

The Speaker *pro tem.* appointed Messrs. J. B. Wilson, Lockwood and Hill said committee.

The committee performed the duty assigned them, and the Speaker elect, on assuming the chair, addressed the House as follows :



*Gentlemen of the House*.:—I return you my most sincere thanks for your confidence, and the honor you have conferred upon me in selecting me as your Speaker.

We have a session before us of great magnitude, and the people of this State, who have intrusted their interests to our hands, have a right to expect that we will discharge our duties with fidelity and prudence.

It should be our first aim to fulfill those expectations in return for the confidence they have reposed in us, and to cultivate a spirit of harmony.

It is only with the indulgence and aid of the House, that the Chair can properly and satisfactorily discharge its duties.

We shall secure our greatest reward in doing our whole duty to constituents and the State at large. Again returning you my sincere thanks, I assume the duties of the position you have assigned me, distrusting my own abilities to properly discharge them, except by your courtesy and aid, which I confidently invoke.

On motion of Mr. Pringle, it was

*Resolved*, That the rules of the last House of Representatives be and the same are hereby adopted as the rules of this House until otherwise ordered.

On motion of Mr. Ramsdell, it was

*Resolved*, That the Clerk of the House be and he is hereby instructed to furnish to each Member of the House a copy of the Manual of the last House.

On motion of Mr. Childs,

The House proceeded to the election of a Chief Clerk, with the following result:

FOR EDWARD W. BARBER.

Mr. Adams,  
Alexander,  
Baker,  
Beamer,  
Blakeslee,  
Bunce,  
Chase,

Mr. Haire,  
Henderson,  
Hemingway,  
Hill,  
Hodges,  
Hood,  
Howell,

Mr. Pringle,  
Ramsdell,  
Rankin,  
Read,  
Sessions,  
Shank,  
Shanahan,



Childs,  
Chapoton,  
Cook,  
Cox,  
Crego,  
Cutcheon,  
A. W. Davis,  
C. Davis,  
Ira Davis,  
Fallass,  
Follett,  
Foote,  
Gilbert,  
Goodrich,  
A. L. Green,  
N. K. Green,

Hurd,  
Jones,  
Joy,  
Kanouse,  
Kelsey,  
Leetch,  
Lockwood,  
Miller,  
Morrison,  
Moore,  
Mussey,  
Pearson,  
Peters,  
Peterson,  
Phelps,  
Piper,

Smith,  
W. A. Stevens,  
Stewart,  
Stoddard,  
Taylor,  
Tibbits,  
Wade,  
Wallin,  
Waterbury,  
Wetherby,  
Wheeler,  
T. M. Wilson,  
J. B. Wilson,  
Woodman,  
Woodward,  
Wright, 69

## FOR DANIEL P. BUSHNELL.

Mr. Atwood,  
Choate,  
Cooley,

Mr. Douglas,  
Gregory,  
Hadley,

Mr. A. Stevens,  
Strong,  
Toll, 9

Edward W. Barber, of Eaton county, having received a majority of all the votes cast, was declared duly elected to the office of Chief Clerk of the House.

On motion of Mr. Taylor,

The House proceeded to the election of an Enrolling and Engrossing Clerk, which resulted as follows :

## FOR WILLIAM A. HALL.

Mr. Adams,  
Alexander,  
Baker,  
Beamer,  
Blakeslee,  
Bunce,  
Chase,  
Childs,  
Chapoton,  
Cook,  
Cox,  
Crego,  
Cutcheon,  
A. W. Davis,  
C. Davis,  
Ira Davis,  
Fallas,

Mr. Haire,  
Henderson,  
Hemingway,  
Hill,  
Hodges,  
Hood,  
Howell,  
Hurd,  
Jones,  
Joy,  
Kanouse,  
Kelsey,  
Leetch,  
Lockwood,  
Miller,  
Morrison,  
Moore,

Mr. Pringle,  
Ramsdell,  
Rankin,  
Read,  
Sessions,  
Shank,  
Shanahan,  
Smith,  
W. N. Stevens,  
Stewart,  
Stoddard,  
Taylor,  
Tibbits,  
Wade,  
Wallin,  
Waterbury,  
Wetherby,



Follett,  
Foote,  
Gilbert,  
Goodrich,  
A. L. Green,  
N. K. Green,

Mussey,  
Pearson,  
Peters,  
Peterson,  
Phelps,  
Piper,

Wheeler,  
T. M. Wilson,  
J. B. Wilson,  
Woodman,  
Woodward,  
Wright, 69

## FOR ROD. R. GIBSON.

Mr. Atwood,  
Choate,  
Cooley,

Mr. Douglas,  
Gregory,  
Hadley,

Mr. A. Stevens,  
Strong,  
Toll, 9

William A. Hall, of Livingston county, having received a majority of all the votes cast, was declared duly elected to the office of Enrolling and Engrossing Clerk of the House.

On motion of Mr. Alexander,

The House proceeded to the election of Sergeant-at-Arms, with the following result :

## FOR ALONZO HYDE.

Mr. Adams,  
Alexander,  
Baker,  
Beamer,  
Blakeslee,  
Bunce,  
Chase,  
Childs,  
Chapoton,  
Cook,  
Cox,  
Crego,  
Cutcheon,  
A. W. Davis,  
C. Davis,  
Ira Davis,  
Fallass,  
Follett,  
Foote,  
Gilbert,  
Goodrich,  
A. L. Green,  
N. K. Green,

Mr. Haire,  
Henderson,  
Hemingway,  
Hill,  
Hodges,  
Hood,  
Howell,  
Hurd,  
Jones,  
Joy,  
Kanouse,  
Kelsey,  
Leetch,  
Lockwood,  
Miller,  
Morrison,  
Moore,  
Mussey,  
Pearson,  
Peters,  
Peterson,  
Phelps,  
Piper,

Mr. Pringle,  
Ramsdell,  
Rankin,  
Read,  
Sessions,  
Shank,  
Shanahan,  
Smith,  
W. N. Stevens,  
Stewart,  
Stoddard,  
Taylor,  
Tibbits,  
Wade,  
Wallin,  
Waterbury,  
Wetherby,  
Wheeler,  
T. M. Wilson,  
J. B. Wilson,  
Woodman,  
Woodward,  
Wright, 69

## FOR JOHN GREENFIELD.

Mr. Atwood,  
Choate,  
Cooley,

Mr. Douglas,  
Gregory,  
Hadley,

Mr. A. Stevens,  
Strong,  
Toll, 9



Alonso Hyde, of Berrien County, having received a majority of all the votes cast, was declared duly elected to the office of Sergeant-at-Arms of the House.

On motion of Mr. Sessions,

The Speaker administered the oath of office to the Chief Clerk, the Engrossing and Enrolling Clerk, and Sergeant-at-Arms elect of the House, and these officers severally entered upon the discharge of their duties.

Mr. Tibbits offered the following:

*Resolved*, That the daily sessions of the House commence at 9 o'clock A. M., and at 2 o'clock P. M., until otherwise ordered.

On motion of Mr. Howell,

The resolution was laid on the table.

On motion of Mr. Howell,

The House adjourned until two o'clock in the afternoon.

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AFTERNOON SESSION.

2 o'clock P. M.

House called to order by the Speaker.

Roll called—quorum present.

The Sergeant-at-Arms announced a committee from the Senate.

The committee reported that the Senate was fully organized and ready to proceed to business.

On motion of Mr. Howell, it was

*Resolved*, That a committee of two be appointed to wait upon the Senate and inform that body that the House is now organized, and ready to proceed to business.

The Speaker appointed Messrs. Howell and Cutcheon said committee.

Mr. Hurd, of Calhoun, offered the following resolution :

*Resolved*, That the Clerk of this House, the Enrolling and Engrossing Clerk, and the Sergeant-at-Arms, be each of them authorized and empowered to appoint an assistant during this session.

Which was adopted.



Mr. A. L. Green offered the following :

*Resolved*, That the Speaker be and he is hereby requested and empowered to appoint six messengers and two firemen for this House.

Mr. Ramsdell moved to strike out "two" and insert "one."

Mr. Howell moved to lay the motion on the table.

Adopted.

The Speaker announced the following communication from the Senate :

SENATE CHAMBER,  
*Lansing, January 2, 1861.* }

*To the Speaker of the House of Representatives :*

I am requested to transmit the following resolution, which has been adopted by the Senate :

*Resolved*, That a committee of two from the Senate, with a like committee from the House, be appointed to wait upon the present and retiring Governors, and notify them that the two Houses are prepared to receive any communications they may desire to make.

Senators Backus and DeLand were appointed said committee.

Yours respectfully,

A. B. TURNER,

*Secretary of Senate.*

The committee appointed to wait upon the Senate and inform that body that the House was organized and ready to proceed to business, reported that they had discharged the duty assigned them.

The Sergeant-at-Arms announced a committee from the Senate.

Said committee reported that they were appointed to act with a like committee on the part of the House, to wait upon the retiring and present Governors, and inform them that both Houses were organized and ready to proceed to business.

Mr. Sessions offered the following :

*Resolved*, That a committee of two be appointed by the Speaker, to act with a like committee on the part of the Senate, to wait upon the retiring and present Governors, and inform



them that the two Houses are now organized, and ready to receive any communications they may desire to make.

Which was adopted.

Messrs. Sessions and Hill were appointed said committee.

On motion of Mr. Pringle, it was

*Resolved*, That fifteen hundred copies of the daily journal of this House be ordered printed, and that the same be equally distributed to the members and officers of this House.

On motion of Mr. Tibbits, it was

*Resolved*, That the Joint Rules and the Rules of the Houses in Joint Convention, be adopted until otherwise ordered.

Mr. Morrison moved to take from the table the resolution authorizing the Speaker to appoint firemen and messengers.

Which was adopted.

The question being on striking out "two" and inserting "one,"

Mr. Tibbits called for a division of the question.

The House refused to strike out the word "two."

The resolution was then adopted.

The committee appointed on the part of the House to wait upon the retiring and present Governors, reported that they had met a like committee from the Senate, discharged the duty assigned them, and that his Excellency, Governor Wisner, would deliver his message in person, this afternoon, if it is the pleasure of the two Houses to meet in joint convention; and that his Excellency, Gov. Blair, would likewise meet the two Houses in joint convention to-morrow morning at half-past ten o'clock, and deliver his inaugural message in person.

The Speaker announced the following message from the Senate :

SENATE CHAMBER, }  
Lansing, January 2, 1861. }

*To the Speaker of the House of Representatives:*

I am requested to inform the House that the Senate is ready to meet the House in joint convention.

Very respectfully,

A. B. TURNER,

*Secretary of Senate.*



Mr. Taylor moved that a committee of two be appointed to inform the Senate that the House is now ready to meet them in joint convention.

Which motion was adopted.

The Speaker appointed Messrs. Taylor and Pringle said committee.

On motion of Mr. Shank, it was

*Resolved*, That the use of this Hall be granted to Rev. D. B. Nichols, Superintendent of the Michigan State Reform School, on Friday, the 4th inst., at 4 o'clock P. M., for the purpose of an exhibition of his school, and also on Sunday evening, the 6th inst., for a lecture on reformatory education.

Mr. Tibbits offered the following :

*Resolved*, That the Speaker be respectfully requested, and he is hereby authorized, to appoint a Reporter to this House.

On motion of Mr. Howell,

The resolution was laid on the table.

The committee appointed to wait upon the Senate and inform that body that the House was ready to meet them in joint convention, reported that they had discharged the duty assigned them, and that the Senate would immediately meet the House in joint convention.

Report accepted and committee discharged.

The honorable Senators were soon thereafter announced, and were conducted to seats.

#### PROCEEDINGS IN JOINT CONVENTION.

The joint convention was called to order by the Hon. James Birney, Lieutenant Governor and President of the Senate.

The roll of the Senate was called by the Secretary of the Senate, and a quorum of the members were present.

The roll of the House was called by the Clerk thereof, and a quorum of the members were present.

The President of the Senate announced that the joint convention had assembled for the purpose of listening to the message of Governor Wisner.

Representative Ramsdell moved that a committee of one from



the Senate and one from the House be appointed to wait upon his Excellency, Governor Wisner, and inform him that the two Houses were assembled in joint convention, and ready to receive any communication he may desire to make.

Which was adopted.

Senator Carpenter and Representative Ramsdell were appointed said committee.

After a short absence the committee returned and reported that they had discharged the duty assigned them and that Governor Wisner would immediately communicate with the joint convention in person.

His Excellency, Governor Wisner, accompanied by Governor Blair and the State officers, was then announced by the Sergeant-at-Arms of the Senate, and after being conducted to seats, Governor Wisner delivered, in person, his message.

After which, on motion of Senator Ingersoll,

The joint convention adjourned *sine die*.

A. B. TURNER,

*Secretary of the Senate,*

ED. W. BARBER,

*Clerk of the House of Representatives,*

*and Secretaries of the Joint Convention.*

The Senators having retired, the House was called to order by the Speaker.

Roll called : quorum present.

On motion of Mr. Morrison,

The House adjourned till 10 o'clock to-morrow morning.

---

*Lansing, Thursday, January 3, 1861.*

House met pursuant to adjournment, and was called to order by the Speaker.

Roll called—quorum present.

The following members elect appeared, and after having subscribed and sworn to the constitutional oath, were admitted to seats as Representatives in the Legislature of the State of Michigan :



*Macomb*—2d district, William Brownell.

*Hilledale*—1st district, James Fowle.

*Livingston*—1st district, Edwin B. Winans.

The reading of the journal was commenced by the Clerk, when,

On motion of Mr. Sessions,

The further reading was dispensed with until otherwise ordered, and the Clerk instructed to make such corrections as should be pointed out by members.

The Speaker announced the following communication :

HOUSE OF REPRESENTATIVES, }  
Lansing, January 3, 1860. }

*To the Speaker of the House of Representatives :*

SIR:—Pursuant to resolution of the House, I have this day appointed Edward B. Brigham Assistant Sergeant-at-Arms of the House of Representatives.

Very respectfully,

ALONZO HYDE,

*Sergeant-at-Arms.*

The oath of office was administered to Mr. Brigham by the Speaker, and he entered upon the discharge of the duties of his office.

The Speaker announced the appointment of Luther S. Tucker and Levi Hollister as firemen.

Also the appointment of the following messengers :

Charles Rice, of Wayne county.

Arthur Pierce, of Oakland county.

Rufus Raymond, of Washtenaw county.

Warren V. R. Howell, of Newaygo county.

George Lee, of Ingham county.

John W. Ingersoll, of Shiawassee county.

#### MOTIONS, RESOLUTIONS AND NOTICES.

Mr. A. W. Davis offered the following :

*Resolved*, That the resident clergymen of Lansing be invited to officiate alternately as chaplains to the House the present session.



Mr. Ramsdell moved to strike out "resident" and insert "officiating."

Mr. Tibbits offered the following substitute :

*Resolved*, That a committee of three be appointed by the Speaker to invite the officiating clergymen of Lansing to act as chaplains of the House during the present session. .

Which was adopted.

The question recurring on the adoption of the substitute in place of the original resolution, the same was adopted.

Mr. Lockwood, of Wayne, gave notice that at some future day he would ask leave to introduce

A bill to facilitate the commencement of suits against joint defendants residing in several counties.

Also,

A bill in relation to levies of executions on real estate.

Also,

A bill to provide for the restoration of lost records, papers and proceedings in courts of record.

Also,

A bill to amend an act entitled an act to provide for the incorporation of railroad companies, approved February 12, 1855.

Also,

A bill to compel the service of process by certain ministerial officers.

Mr. Shank offered the following resolution:

*Resolved*, That the use of this hall be granted to Mrs. L. L. Deming on the evening of the 4th inst. for the purpose of a concert.

Which was adopted.

Mr. Ramsdell offered the following resolution:

*Resolved*, That each member of the House of Representatives be allowed five dollars for stationery, and that the committee on supplies be authorized to furnish the Speaker, Clerk of the House, and Engrossing and Enrolling Clerk, and to the standing and select committees, such amount of stationery as may be necessary for their use.



Which was adopted.

Mr. Howell offered the following :

*Resolved*, That there be printed for the use of this House six thousand copies of the message of Governor Wisner in the English language, also one thousand copies in the Holland language, and two thousand copies in the German language.

Mr. Childs moved to strike out "six" and insert "three."

Mr. A. W. Davis moved to lay the whole subject on the table;

Which was adopted.

Mr. Pringle gave notice that at some some future day he would ask leave to introduce

A bill to amend section 44 of chapter 65 of the revised statutes of 1846.

Mr. A. W. Davis offered the following:

*Resolved*, That a committee of two be appointed to wait upon the Senate and inform that body that the House is now ready to meet the Senate in joint convention to receive a message from the Governor.

Which was adopted.

Messrs. A. W. Davis and Gregory were appointed said committee.

Mr. Rankin offered the following resolution:

*Resolved*, That the Clerk of the House be instructed to transmit one copy of the Daily Journal of the two Houses to each publisher of a newspaper in the State, to be furnished out of the number ordered for the House.

Which was not adopted.

Mr. Toll gave notice that he would at some future day ask leave to introduce

A bill to extend the time for the collection of taxes in the unorganized county of Delta.

The committee appointed to wait upon the Senate, and inform that body that the House is now ready to meet in joint convention, reported that they had discharged the duty assigned them.

Report accepted and committee discharged.

Mr. Stoddard offered the following resolution :



*Resolved*, That the Clerk of this House be authorized and required to send a copy of the Journal of the House to each paper published in the State.

Which was not adopted.

Mr. Ramsdell gave notice that on some future day he will ask leave to introduce

A bill to provide for the payment of the amount due from the State to the several counties.

Also,

A bill to repeal an act entitled an act to furnish the Michigan Journal of Education to the school districts.

Also,

A bill to repeal chapter eighty of the compiled laws of eighteen hundred and fifty-seven.

Also,

A bill to amend the general banking law.

Also,

A bill to amend an act entitled an act to provide for letting to contract the furnishing of fuel and stationery for the use of the State, and also the printing and binding, and to establish maximum prices for the printing and binding.

The honorable Senators were announced by the Sergeant-at-Arms, and were conducted to seats.

#### PROCEEDINGS IN JOINT CONVENTION.

The joint convention was called to order by the Hon. James Birney, Lieutenant Governor and President of the Senate.

The roll of the Senate was called by the Secretary thereof, and a quorum of the members were present.

The roll of the House was called by the Clerk thereof, and a quorum of the members were present.

The President announced that the joint convention had assembled to receive the inaugural message of Governor Blair, who will deliver his message in person.

Senator Stout moved that a committee of two be appointed, consisting of one from the Senate and one from the House, to wait upon the Governor and inform him that the two Houses



had assembled in joint convention, and were ready to receive any communication he may desire to make.

The motion was adopted.

Senator Stout and Representative Cutchcon were appointed said committee.

After a short absence the committee returned, and reported that they had discharged the duty assigned them, and that the Governor was in attendance and would immediately deliver his inaugural message to the joint convention

Report accepted and committee discharged.

His Excellency, Governor Blair, accompanied by ex-Governor Wisner and the State officers, were conducted to seats prepared for them, when the Governor delivered, in person, his inaugural message.

After which, on motion of Senator Tower,

The joint convention adjourned *sine die*.

A. B. TURNER,

*Secretary of Senate,*

ED. W. BARBER,

*Clerk of House of Representatives,*

*And Secretaries of joint convention.*

After the Senate had retired, the House was called to order by the Speaker.

Upon calling the roll, it was ascertained that a quorum of members were present.

Mr. Sessions moved that the message of the retiring Governor, and of the present Governor, be laid on the table and ordered printed.

• Which motion was adopted.

Mr. Howell moved to take from the table the resolution relative to printing the message of Governor Wisner.

Which motion was adopted.

By unanimous consent the resolution was withdrawn.

Mr. Howell offered the following :

*Resolved*, That there be printed and stitched together for the use of this House six thousand copies of the messages of Gov-



ernor Wisner and Governor Blair, in the English language, also one thousand copies in the Holland language, also two thousand copies in the German language, and one thousand copies in the French language.

Mr. Childs moved to strike out the word "together" and insert the word "separately," also the word "six" and insert the word "three."

Mr. Cutcheon called for a division of the question.

Pending which,

On motion of Mr. Hill,

The House adjourned till 2 o'clock this afternoon.

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AFTERNOON SESSION.

House called to order by the Speaker at 2 o'clock P. M.

Roll called : quorum present.

The Speaker stated the business before the House to be on striking out the word "together," and inserting the word "separately;" also the word "six" and inserting "three," in the resolution to print the messages of Governors Wisner and Blair, and a division having been called for, the question recurred on the motion to strike out.

Mr. J. B. Wilson moved to lay the whole subject on the table.

Which motion was not adopted.

Mr. Hill offered the following substitute:

*Resolved*, That there be printed for the members of this House 6000 copies of each of the messages of ex-Gov. Wisner and Gov. Blair in the English language, 2000 of each in the German language, 1000 of each in the Holland and French, and 500 of each in the Swedish language."

Mr. Howell rose to a point of order, that the substitute could not be entertained until the friends of the original resolution had the privilege of amending the same, and while amendments thereto were pending.

The Speaker decided the point well taken, and declared the substitute out of order.



The question recurring on the motion to strike out, the same was not adopted.

There being no further amendments,

Mr. Hill renewed his substitute,

Which was not adopted.

The question recurring upon the adoption of the original resolution, it was adopted.

The Speaker announced the appointment of the committee to wait upon the clergymen of Lansing and invite them to officiate as chaplains, as follows:

Messrs. Tibbits, A. W. Davis and A. Stevens.

On motion of Mr. Shank, it was

*Resolved*, That the use of this Hall be granted to the Methodist Episcopal Church of Lansing, on the afternoon of each Sabbath, during the session of this House.

Mr. Joy moved that the House adjourn till to-morrow morning at ten o'clock.

Mr. Cooley moved to amend by striking out "to-morrow," and inserting "Saturday;"

Which was not adopted.

The House then adjourned till to-morrow morning at 10 o'clock.

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*Lansing, Friday, January 4, 1861.*

House met pursuant to adjournment, and was called to order by the Speaker.

Prayer by the Rev. Mr. Potter.

Roll called: quorum present.

Mr. Sessions moved that the House adjourn till to-morrow morning at 10 o'clock.

At the suggestion of Mr. Hill,

Mr. Sessions withdrew the motion in order that the Representative elect from Clinton and Gratiot county, Mr. Gilbert E. Pratt, who was present, might be sworn and admitted to a seat.

Whereupon Mr. Pratt presented his credentials, and having



subscribed and sworn to the constitutional oath, was admitted to a seat as a Representative in the Legislature of the State of Michigan.

Mr. Hill renewed the motion to adjourn.

Mr. Tibbits moved to strike out "ten" and insert "nine."

Mr. Howell moved to insert "five."

The motion to insert "five" was not adopted.

The motion to insert "nine" was not adopted.

The question recurring upon the original motion, it was adopted ;

And the House adjourned till ten o'clock to-morrow morning.

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*Lansing, Saturday, January 5, 1861.*

House met pursuant to adjournment, and was called to order by the Speaker.

Prayer by the Rev. Mr. Myers.

Roll called—quorum present.

Absent at the roll call—Messrs. A. L. Green, Chapoton and Douglas.

Mr. Goodrich asked and obtained leave of absence for Mr. A. L. Green until Tuesday.

Mr. Phelps asked and obtained leave of absence for Mr. Chapoton until Tuesday.

Mr. Brownell asked and obtained leave of absence for Mr. Douglas for one day.

Mr. Joy asked and obtained leave of absence for himself for an indefinite time.

The Speaker announced the following

STANDING COMMITTEES.

*Ways and Means*—Joy, Sessions, Gilbert, Wetherby, Choate.

*Judiciary*—Lockwood, Howell, Pringle, Pratt, Atwood.

*Harbors*—T. M. Wilson, Hood, Shanahan, Persons, Toll.

*Federal Relations*—Howell, N. K. Green, Childs, Adams, A. Stevens.



*State Affairs*—Morrison, Bunce, Kanouse, Wheeler, Brownell.

*Internal Improvements*—Sessions, Peters, Beamer, Cook, Strong.

*Elections*—Hurd, Smith, Leetch, Piper, Cooley.

*Banks and Incorporations*—Pringle, Gilbert, Read, Fowle, Gregory.

*Public Lands*—Waterbury, C. Davis, Peterson, Hill, Douglas.

*Agriculture and Manufactures*—Childs, Woodward, Goodrich, Hodges, Hadley.

*Education*—Hill, Cutcheon, Tibbets, A. L. Green, Brownell.

*Engrossment and Enrollment*—A. L. Green, Alexander, Wheeler, Moore, Strong.

*Printing*—Rankin, Piper, Pratt, Wade, Chase.

*Towns and Counties*—J. B. Wilson, Follett, Taylor, W. N. Stevens, Cooley.

*Rules and Joint Rules*—Kelsey, Ramsdell, Cook, Waterbury, Baker.

*Roads and Bridges*—N. K. Green, Follett, Stoddard, Hood, Wright.

*Militia*—A. W. Davis, Phelps, C. Davis.

*Supplies and Expenditures*—Phelps, Jones, Atwood.

*State Prison*—Shank, Haire, Hadley.

*State Library*—Miller, Wallin, Winans.

*Indian Affairs*—Taylor, Hemingway, Toll.

*Mines and Minerals*—Ira Davis, Douglas, Stoddard.

*Asylum for Insane*—Fallass, Stewart, Crego, Bunce, Blakelee.

*Asylum for Deaf, Dumb and Blind*—Foote, Rankin, Woodman, Henderson, Ira Davis.

*Geological Survey*—Cutcheon, Kelsey, Fowle, Cox, Alexander.

*House of Correction*—Read, Shank, Chapoton.

#### PETITIONS PRESENTED.

By Mr. Gilbert : petition of Foster Tucker and 50 others, to change the corporate limits of the city of Grand Rapids ;

Referred to committee on banks and incorporations.

By Mr. Gilbert : petition of E. B. Escott and 140 others, to



restrain dogs from running at large unmuzzled, and for the levy of a general tax on dogs ;

Referred to the committee on agriculture and manufactures.

By Mr. Childs : petition of Wm. S. Stowell and 46 others, for the relief of school districts Nos. 1 and 2 of the township of Manchester, in the county of Washtenaw ;

Referred to the committee on education.

By Mr. Childs : memorial of Henry Raymond, claiming to be the member elect of this House in place of Appleton Stevens, from Bay county ;

Referred to the committee on elections.

By Mr. Shank : petition of Henry Smith, for changing the boundaries of certain counties.

Referred to the committee on towns and counties.

By Mr. J. B. Wilson: memorial of Robert W. Cummings, praying relief for expenses incurred by him in contesting a claim to swamp land, under the ruling of the Commissioner of the State Land Office.

Referred to the committee on judiciary.

#### REPORTS OF SPECIAL COMMITTEES.

The committee appointed to wait upon the officiating clergy of Lansing, and invite them to officiate alternately as chaplains of this House, have performed that duty, and ask to be discharged.

JOHN S. TIBBITS, *Chairman.*

Report accepted and committee discharged.

#### MESSAGE FROM THE SENATE.

The Speaker announced the following :

SENATE CHAMBER,  
Lansing, January 3, 1861. }

*To the Speaker of the House of Representatives :*

I am instructed to transmit to the House the following concurrent resolution, which the Senate has this day passed :

*Resolved,* (the House concurring,) That the committee on printing of each House be authorized to act as a joint commit-



tee in procuring the translation and printing of the Governors' messages in the foreign languages.

In which the concurrence of the House is asked.

Very respectfully,

A. B. TURNER,

*Secretary of Senate.*

On motion of Mr. Howell,

The House concurred in the adoption of the resolution.

MOTIONS, RESOLUTIONS AND NOTICES.

On motion of Mr. Howell, it was

*Resolved*, That the Clerk of this House be and he is hereby authorized to appoint one messenger for his department, and report such appointment to the House.

On motion of Mr. Childs, it was

*Resolved*, That the Speaker be authorized to appoint one more messenger for this House.

Mr. Tibbits gave notice that on some future day he would ask leave to introduce

A bill to amend sections 11, 56, and 107, of chapter 78, of compiled laws.

Also,

A bill to repeal an act entitled an act to prevent the adulteration of alcoholic liquors, and to punish all persons who shall sell or offer to sell adulterated liquors and other adulterated beverages.

Mr. Cutcheon gave notice that on some future day he would ask leave to introduce

A bill to amend section 1, of chapter 80, of the compiled laws.

Mr. Phelps, gave notice that on some future day he would ask leave to introduce

A bill to amend the "registry law," so termed.

Mr. Shank gave notice that on some future day he would ask leave to introduce

A bill to amend an act establishing a House of Correction, and an act amendatory thereto.



Mr. Wright gave notice that on some future day he would ask leave to introduce

A bill to extend the time for collection of taxes in the unorganized territory in Manitou county.

Mr. Childs gave notice that on some future day he would ask leave to introduce

A bill for the relief of school districts Nos. 1 and 2, of the township of Manchester, in the county of Washtenaw.

Mr. Taylor gave notice that on some future day he would ask leave to introduce

A bill to amend section 20 of an act entitled an act disposing of certain grants of land made to the State of Michigan for railroad purposes, by act of Congress, approved June 8, 1856;

Also,

A bill to lay out and establish a State road from Grand Rapids, in Kent county, to Croton, in the county of Newaygo.

Mr. Hemingway gave notice that on some future day he would ask leave to introduce

A bill to amend act No. — of the laws of 1859, entitled an act to provide for laying out and establishing a State road from Midland City, in Midland county, to St. Charles, in Saginaw county, and for other purposes ;

Also,

A bill to lay out and establish a State road from Saginaw City, in Saginaw county, by way of Midland City, to the village of —, in Isabella county;

Also,

A bill to attach certain territory to the county of Iosco;

Also,

A bill to provide for laying out and establishing a State road from Midland City, in Midland county, to the township of Jerome in said county.

Mr. Rankin offered the following :

*Resolved*, That the State Printers be instructed to transmit to each newspaper in the State one copy of the Daily Journal of



the House, during the session, and that 1000 additional copies be printed for the use of the House.

Mr. Waterbury moved to strike out that part relative to additional copies.

Mr. Howell called for the yeas and nays, which were ordered, and the motion to strike out was adopted by the following vote :

## YEAS.

Mr. Adams,	Mr. Gregory,	Mr. Shank,
Atwood,	N. K. Green,	Smith,
Baker,	Haire,	W. N. Stevens,
Beamer,	Henderson,	A. Stevens,
Brownell,	Hill,	Stewart,
Bunce,	Hodges,	Strong,
Chase,	Hood,	Taylor,
Childs,	Hurd,	Tibbits,
Choate,	Kanouse,	Toll,
Cook,	Kelsey,	Wade,
Crego,	Peters,	Wallin,
Cutcheon,	Peterson,	Waterbury,
Ira Davis,	Phelps,	Wetherby,
Foote,	Piper,	Wheeler,
Fowle,	Pratt,	Winans,
Gilbert,	Ramsdell,	Speaker,
Goodrich,		

49

## NAYS.

Mr. Alexander,	Mr. Howell,	Mr. Rankin,
Blakeslee,	Jones,	Read,
Cooley,	Joy,	Sessions,
Cox,	Leetch,	Shanahan,
A. W. Davis,	Lockwood,	Stoddard,
C. Davis,	Miller,	T. M. Wilson,
Fallass,	Morrison,	J. B. Wilson,
Follett,	Moore,	Woodman,
Hadley,	Pearson,	Woodward,
Hemingway,	Pringle,	Wright,

30

Mr. Howell moved to lay the resolution on the table,

Which motion was not adopted.

The resolution as amended was then adopted.

Mr. Hill gave notice that on some future day he would ask leave to introduce

A bill regulating the running and booming of logs in the large and small streams in this State ;



Also,

A bill defining what is intended in article vii, section 1, of the Constitution, by "*Civilized male inhabitants of Indian descent.*"

Mr. Waterbury gave notice that on some future day he would ask leave to introduce

A bill to provide for the relief of the holders of the Port Sanilac and Watrousville State road orders, and will ask for an appropriation of swamp lands for the improvement of said road.

Mr. A. Stevens gave notice that on some future day he would ask leave to introduce

A bill to amend an act entitled an act to incorporate the village of Bay city, approved February 9th, 1859.

Mr. Sessions offered the following :

*Resolved*, That so much of the Governors' messages as relates to the State finances, the public debt, and the levying and collection of taxes, be referred to the committee on ways and means;

2. That so much as relates to the State Prison, be referred to the committee on State Prison ;

3. That so much as relates to education, be referred to the committee on education;

4. That so much as relates to the Agricultural College, be referred to the committee on agriculture and manufactures, and education, jointly;

5. That so much as relates to swamp lands and railroad land grants, be referred to the committee on public lands;

6. That so much as relates to State Geology, be referred to the committee on the same;

7. That so much as relates to the manufacture of salt, and a bounty on the same, be referred to a special committee on the same.

8. That so much as relates to the Insane Asylum, be referred to the committee on the same;

9. That so much as relates to the Deaf, Dumb and Blind Asylum, be referred to the committee on the same;



10. That so much as relates to the State Reform School, be referred to the committee on the same;

11. That so much as relates to the State Capitol, and the apportionment of senators and representatives in the State Legislature, and representatives in Congress, be referred to the committee on State affairs;

12. That so much as relates to the military department, be referred to the committee on militia;

13. That so much as refers to the relation of the State with the sister States, and the General Government, be referred to the committee on federal relations.

Mr. Pringle moved to amend by striking out the words "so much as relates to the division of the State into congressional districts" where it occurs, and inserting the same words before the words "to the committee on federal relations."

Mr. Cutcheon offered the following substitute for the amendment:

*Resolved*, That so much of the Governors' messages as relates to the apportionment of the State into congressional districts, be referred to a special committee of two from each congressional district of the State.

Mr. Ramsdell offered the following substitute for the original resolution:

*Resolved*, That the different divisions of the Governors' messages be referred to the appropriate committees.

Mr. Gilbert moved to postpone the consideration of the whole subject till Monday morning at 10 o'clock.

Which motion was adopted.

Mr. Alexander gave notice that on some future day he would ask leave to introduce

A bill to amend chapters 175 and 176 of the compiled laws of 1857, in relation to the fees of witnesses in civil and criminal cases.

Mr. Lockwood gave notice that on some future day he would ask leave to introduce

A bill to amend act No. 248 of the laws of 1859, approved



February 15, 1859, in relation to insurance companies of other States.

Mr. Howell gave notice that on some future day he would ask leave to introduce

A bill to regulate the interest on money ;

Also,

A bill giving to laborers and lumbermen a lien for wages and value on unmanufactured lumber.

Mr. Joy gave notice that on some future day he would ask leave to introduce

A bill to confirm deeds and instruments intended for the conveyance of real estate in certain cases ;

Also,

A bill to amend chapter one hundred and sixty-four (164) of the compiled laws, entitled "of the limitations of actions relating to real property ;"

Also,

A bill to authorize the Fort street Presbyterian church of Detroit, to receive and hold certain real estate for the purposes therein set forth.

Mr. Gilbert gave notice that on some future day he would ask leave to introduce

A bill to amend section 9, of chapter 17, of title 8, of the compiled laws of 1857, as amended by an act approved February 7th, 1859, exempting certain property from taxation.

Mr. Gilbert gave notice that on some future day he would ask leave to introduce

A bill to restore to the general fund the unexpended balance of the fund appropriated by the last legislature in aid of Gratiot and other counties.

On motion of Mr. Ramsdell, it was

*Resolved*, That the Clerk be instructed to supply the Governor and each of the State officers, and our Senators and Representatives in Congress, each with a copy of the Daily Journal of this House, from the commencement of the present session.



Mr. Lockwood, pursuant to previous notice, asked and obtained leave to introduce

A bill in relation to levies of executions on real estate.

The bill was read a first and second time by its title, and referred to the judiciary committee.

Mr. Pringle, previous notice having been given, and leave being granted, introduced

A bill to amend section 44, of chapter 65, of the revised statutes of 1846, (compiled laws, vol. 2, sec. 2763.)

The bill was read a first and second time by its title and referred to the judiciary committee.

Mr. Lockwood, previous notice having been given and leave being granted, introduced

A bill to amend an act entitled "an act to provide for the incorporation of railroad companies," approved February 12, 1855.

The bill was read a first and second time by its title, and referred to the committee on banks and incorporations.

Mr. Shank offered the following :

*Resolved*, That the State Printers be directed to print one thousand copies of the annual reports of the Inspectors of the State Prison, of the State Reform School, Commissioner of the State Land Office, and Auditor General.

On motion of Mr. Howell,

The resolution was laid on the table.

Mr. Hill offered the following :

*Resolved*, That the rules of the House be amended by adding to the standing committees of the House, one on "Salt Interest."

On motion of Mr. Lockwood,

The resolution was referred to the committee on rules and joint rules.

Mr. Henderson gave notice that on some future day he would ask leave to introduce

A bill amending the statutes providing for the admission of attorneys to the bar.



Mr. J. B. Wilson gave notice that on some future day he would ask leave to introduce

A bill to amend act No. 165, of the session laws of 1857, to provide for the laying out and establishing a State Road in the county of Lapeer.

Mr. Peterson gave notice that on some future day he would ask leave to introduce

A bill to encourage emigration to this State.

On motion of Mr. Wallin, it was

*Resolved*, That the use of this hall be tendered to Alonzo Hyde, for the purpose of delivering a temperance lecture, on Wednesday evening next.

Mr. Howell moved to take from the table the resolution offered by Mr. Shank, relative to the printing of annual reports of State officers.

Which motion was adopted.

Mr. Howell moved to strike out "one thousand."

Which motion was adopted.

Mr. Childs moved to insert "two thousand."

Mr. Kelsey moved to insert "twelve hundred."

Mr. Foote moved to insert "twenty-five hundred."

The motion to insert twenty-five hundred was adopted.

The resolution, as amended, was then adopted.

Mr. Riley moved to take from the table the resolution in regard to the daily sessions of this House.

Which motion was adopted.

Mr. Joy moved the following as a substitute:

*Resolved*, That until the further order of the House there shall be but one session a day, and that when the House adjourn each day it shall be until ten o'clock of the forenoon of the next business day.

Which motion was adopted.

The question recurring upon the adoption of the resolution as amended by the substitute, the same was adopted.

Mr. Phelps gave notice that on some future day he would ask leave to introduce

A bill to amend the existing laws so as to prohibit the exer-



cise by Justices of the Peace, within the jurisdiction of the common council of the city of Detroit for sanitary purposes, of the powers and duties of county coroners.

Mr. Atwood offered the following:

*Resolved*, That House rule No. 5, be and the same is hereby amended so as to read as follows: "The yeas and nays of the members of the House on any question, shall be entered on the journal at the request of one-tenth of the members elected."

Which,

On motion of Mr. Sessions,

Was referred to the committee on rules and joint rules.

On motion of Mr. Sessions, it was

*Resolved*, That the clerk cause to be printed, as soon as practicable, a list of the standing committees for the use of the House.

The Speaker announced the following, which was ordered printed in the journal:

*Condition of the Detroit Savings Fund Institute, December 31, 1860.*

LIABILITIES.

To depositors, (numbering 1,186),.....	\$282,269 48
Excess of means,.....	3,238 64
	<hr/>
	\$285,508 12
	<hr/>

MEANS.

Bills discounted,.....	\$120,523 11
Bonds, (U. S. and State,).....	23,290 00
Mortgages, (property in city of Detroit and Wayne county,).....	86,077 85
Office furniture and safe, .....	1,052 65
	<hr/>
	\$180,943 61

CASH.

On deposit at Detroit,.....	\$21,836 95
" " New York and Boston, ...	24,923 72
" hand,.....	57,803 84
	<hr/>
	104,564 51
	<hr/>
	\$285,508 12



STATE OF MICHIGAN, }  
County of Wayne, } ss.

Alexander H. Adams, of said county, being duly sworn, doth depose and say, that he is the cashier of the Detroit Savings Fund Institute, and as such is acquainted with the affairs and condition of said Institute; that the foregoing statement is a true report of all the funds and investments of said Institute.

A. H. ADAMS.

Sworn to and subscribed before me this 3d day of January, 1861.

HOBART MILLER,

*Notary Public, Wayne Co., Mich.*

By unanimous consent, the Speaker announced the following

MESSAGE FROM THE SENATE.

SENATE CHAMBER,  
Lansing, January 4, 1861. }

*To the Speaker of the House of Representatives:*

SIR—I am instructed to transmit to the House the following resolution, which has passed the Senate, and in which the concurrence of the House is respectfully asked :

*Resolved*, (the House of Representatives concurring,) That a joint committee of two from the Senate and three from the House, be appointed to investigate the Treasury Department of this State, and the official acts of John McKinney, late State Treasurer, and that said committee have full power to send for persons and papers; and that they be requested to report thereon, with such expedition as their duties will permit.

Very respectfully,

A. B. TURNER,

*Secretary of Senate.*

On motion of Mr. Howell,

The House concurred in the adoption of the resolution.

The Speaker announced the following communication :



HOUSE OF REPRESENTATIVES, }  
Lansing, January 5, 1861. }

*To the Speaker of the House of Representatives:*

SIR:—Pursuant to a resolution of the House, I have this day appointed Nelson B. Jones, Assistant Clerk.

Very respectfully,

ED. W. BARBER,

*Clerk of the House of Representatives.*

Whereupon the oath of office was administered to Mr. Jones by the Speaker, and he entered upon the discharge of his duties.

Also the following :

HOUSE OF REPRESENTATIVES, }  
Lansing, January 5, 1861. }

*To the Speaker of the House of Representatives:*

SIR:—I have this day appointed W. H. Child messenger, as authorized by resolution of the House.

Very respectfully,

ED. W. BARBER,

*Clerk of House of Representatives.*

On motion of Mr. Childs,

The House adjourned untill 10 o'clock Monday morning.

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*Lansing, Monday, January 7, 1861.*

House met, pursuant to adjournment, and was called to order by the Speaker.

Prayer by Rev. Mr. Meyers.

Roll called : quorum present.

Absent without leave, Messrs. Foote, Kelsey, Taylor.

Mr. Kanouse asked and obtained leave of absence for Mr. Kelsey for three days.

The daily journal of Saturday was corrected by inserting the name of Mr. Beamer in place of Mr. Persons, on the committee on internal improvements.



## PETITIONS PRESENTED.

By Mr. Henderson : petition of L. C. Rhines and 35 other citizens of Battle Creek, praying for the enactment of a law authorizing the incorporation of publication societies.

Referred to the committee on banks and incorporations.

By Mr. Blakeslee : petition of Mrs. Elizabeth Whitney, asking for a law changing the name of Elizabeth Whitney to Elizabeth Mooney.

Referred to the committee on judiciary.

By Mr. Douglas : petition of the Board of Supervisors of Houghton County, for the repeal of all laws imposing a specific tax on Lake Superior.

Referred to the committee on banks and incorporations.

By Mr. N. K. Green : petition of Charles Swindle for the change of the name of a minor child.

Referred to the judiciary committee.

By Mr. Miller : petition of H. T. Farn and 8 others, praying for the enactment of a law authorizing the incorporation of educational, charitable, and religious societies.

Referred to the committee on banks and incorporations.

By Mr. Douglas : petition of J. Houghton, Jr., and 39 others, of Houghton county, for a law authorizing the improvement of harbors and rivers.

Referred to the committee on harbors.

## REPORTS OF STANDING COMMITTEES.

By the judiciary committee :

The committee on the judiciary, to whom was referred

A bill to amend section 44, of chapter 65, of the revised statutes of 1846,

Report that they have had the same under consideration, and instructed their chairman to report the same back to the House without amendment, and recommend that the same do pass, and ask to be discharged from the further consideration of the same.

THOS. W. LOCKWOOD, *Chairman.*

Report accepted and committee discharged.



The bill was referred to the committee of the whole, placed on the general order, and ordered printed.

By the judiciary committee :

The committee on the judiciary, to whom was referred

A bill relative to levies of executions on real estate,

Respectfully report that they have had the same under consideration, and have instructed their chairman to report the same back to the House without amendment, and recommend that the same do pass, and ask to be discharged from the further consideration of the same.

THOS. W. LOCKWOOD, *Chairman.*

Report accepted and committee discharged.

The bill was referred to the committee of the whole, placed on the general order, and ordered printed.

MESSAGES FROM THE SENATE.

The Speaker announced the following :

SENATE CHAMBER,  
*Lansing, January 4, 1861.* }

*To the Speaker of the House of Representatives :*

SIR :—I am instructed to transmit to the House the following concurrent resolution, which has passed the Senate, and in which the concurrence of the House is respectfully asked :

*Resolved*, (the House concurring,) That of each bill and joint resolution ordered printed, 300 copies be furnished for the use of the members of the Legislature.

Very respectfully,

A. B. TURNER,

*Secretary of the Senate.*

On motion of Mr. Pringle,

The House concurred in the resolution.

Also the following :

SENATE CHAMBER,  
*Lansing, January 4, 1861.* }

*To the Speaker of the House of Representatives :*

SIR—I am requested to transmit to the House of Representatives the following resolution, which has passed the Senate, and in which the concurrence of the House is respectfully asked :



*Resolved*, (the House of Representatives concurring,) That the committee on printing be instructed to prepare and cause to be published, with all possible dispatch, for the use of the two Houses of this and the next Legislature, a Manual, containing the rules of each House, joint rules, Constitutions of the United States and the State of Michigan, and such other matter as is usually contained in such work, or that they may deem proper.

Very respectfully,

A. B. TURNER,

*Secretary of the Senate.*

Mr. Sessions moved that the House concur.

Mr. Howell moved to amend by striking out the words "the Constitution of the United States and the Constitution of the State of Michigan," and insert "the census of this State by townships, and an outline map of the State of Michigan ;"

Which motion did not prevail.

The motion to concur was then adopted.

Also the following :

SENATE CHAMBER,  
*Lansing, January 7, 1861.* }

*To the Speaker of the House of Representatives :*

I am instructed to inform the House that Senators Baldwin and Jones have been appointed, on the part of the Senate, the joint committee, under the concurrent resolution passed by the two Houses, to investigate the Treasury department of the State, and the official acts of John McKinney, late State Treasurer.

Very respectfully,

A. B. TURNER,

*Secretary of the Senate.*

The message was laid on the table, and the Speaker announced the appointment of the committee on the part of the House, as follows :

Messrs. Joy, Gilbert and Brownell.

On motion of Mr. Hill,



The vote to concur in the resolution of the Senate in regard to the printing of bills, was reconsidered.

Mr. Hill moved to amend the resolution by striking out "three hundred," and inserting in lieu thereof "two hundred and forty."

Which motion prevailed.

The resolution, as amended, was then adopted.

Mr. Sessions called up the

SPECIAL ORDER,

Being the resolution, and the pending amendments, referring the Governors' Messages to the appropriate committees.

Mr. Cutcheon, by unanimous consent, withdrew the amendment offered by him.

Mr. Pringle, by unanimous consent, withdrew his amendment.

The question then recurring upon the adoption of the substitute offered by Mr. Ramsdell, the same was not adopted.

On motion of Mr. Pringle,

The resolution was laid on the table till to-morrow.

Mr. Pringle gave notice that on some future day he would ask leave to introduce

A bill to amend section 1 of an act entitled an act to establish graded and high schools, approved February 14, 1859 ;

Also,

A bill to authorize appeals to circuit courts from special proceedings before justices of the peace ;

Also,

A bill to provide for the trial of criminal causes in justices courts by juries of less than twelve persons ;

Also,

A bill to authorize the formation of town insurance companies.

Mr. Alexander gave notice that on some future day he would ask leave to introduce

A bill to amend act No. 187, of the session laws of 1859, in relation to fees of judges of probate.



Mr. Hemingway gave notice that on some future day he would ask leave to introduce

A bill to amend section 5689 of the compiled laws in relation to the costs of proceedings in criminal cases.

Mr Rankin offered the following :

*Resolved*, That the committee on rules and joint rules be instructed to inquire into the propriety of striking out rule 30, as superfluous, its provisions being embraced in rule 28 ; and that said committee be requested to report upon all matters referred to them at their earliest convenience ;

Which resolution was adopted.

Mr. Cutcheon gave notice that on some future day he would ask leave to introduce

A bill to provide for an additional circuit court commissioner for the county of Washtenaw.

Mr. Haire gave notice that on some future day he would ask leave to introduce

A bill to amend act No. 117, of the session laws of 1859, being an act to provide for the drainage and reclamation of swamp lands by means of State roads and ditches.

Mr. Tibbits gave notice that on some future day he would ask leave to introduce

A bill to amend section 107, of an act entitled an "act to amend certain sections of the primary school law," approved February 15th, 1859.

Mr. Jones gave notice that on some future day he would ask leave to introduce

A bill to repeal section 116, of chapter 78, of the compiled laws of 1857, relative to township libraries.

Also,

A Bill to amend section 42, of chapter 155, of the compiled laws of 1857, relative to the library funds.

Mr. Miller gave notice that on some future day he would ask leave to introduce

A bill to amend an act entitled an act to amend certain sections of the primary school laws, approved February 15, 1859.



Mr. Hill offered the following :

*Resolved*, That the sergeant-at-arms be instructed to procure a clock for the use of this House, at an expense not exceeding ten dollars.

On motion of Mr. Sessions,

The resolution was referred to the committee on supplies and expenditures.

Mr. Woodman gave notice that on some future day, he would ask leave to introduce

A bill to provide for the levying of a special tax in certain townships in Van Buren and Allegan counties, for the improvement of the harbor at the mouth of the South Black river, in the county of Van Buren.

Mr. Douglas gave notice that on some future day he would ask leave to introduce

A bill to establish a swamp land road from Copper Harbor to Houghton village, thence along, or near, the mineral range to the village of Webster, in the county of Ontonagon ;

Also,

A bill to attach certain townships to Houghton county, and to establish a new county to be called Keweenaw county;

Also,

A bill to legalize the taxes heretofore assessed and levied in the townships of Houghton, Eagle Harbor and Copper Harbor, in the county of Houghton.

Mr. Douglas offered the following :

*Resolved*, That the committee on education be instructed to enquire into the expediency of establishing an institution of learning at the village of Houghton, to be called "A School of Miners," for the education of mining and mechanical engineers, with authority to report by bill or otherwise.

Which was adopted.

Mr. Goodrich offered the following :

*Resolved*, That the sergeant-at-arms be instructed to call upon the porters belonging to the State department for cleaning the side walk to the capitol.



Which was adopted.

Mr. Wheeler gave notice that on some future day he would ask leave to introduce

A bill to amend an act (No. 184 of the session laws of 1859) relative to the fraudulent removal or embezzlement of property under chattel mortgage.

Mr. Pratt offered the following :

*Resolved*, That the committee on elections be authorized and empowered to send for persons and papers in the contested election case of Raymond vs. Stevens.

On motion of Mr. Howell,

The resolution was laid on the table.

Mr. Cutcheon, unanimous consent being given, introduced

A joint resolution relative to federal affairs ;

Which was read a first and second time by its title, and referred to the committee on federal relations.

Mr. Childs, previous notice having been given, and leave being granted, introduced

A bill to provide for the relief of school districts Nos. 1 and 2, of Manchester, in the county of Washtenaw.

The bill was read a first and second time by its title, and referred to the committee on education.

Mr. Toll, previous notice having been given, and leave being granted, introduced

A bill to extend the time for the collection of taxes in the unorganized county of Delta.

The bill was read a first and second time by its title, and referred to the judiciary committee.

Mr. Haire, unanimous consent being given, introduced

A joint resolution in relation to secession ;

Which was read a first and second time by its title, and referred to the committee on federal relations.

Mr. Lockwood, previous notice having been given, and leave being granted, introduced

A bill to facilitate the commencement of suits against joint defendants residing in several counties.



The bill was read a first and second time by its title, and referred to the judiciary committee.

Mr. Lockwood, previous notice having been given, and leave being granted, introduced

A bill to compel the service of process by certain ministerial officers.

The bill was read a first and second time by its title, and referred to the judiciary committee.

Mr. Lockwood, previous notice having been given and leave being granted, introduced

A bill to provide for the restoration of lost records, papers and proceedings in courts of record.

The bill was read a first and second time by its title, and referred to the judiciary committee.

Mr. Lockwood, previous notice having been given, and leave being granted, introduced

A bill to amend an act entitled an act to regulate fire, marine, life and health insurance companies, and their agents, associations, partnerships and individuals doing fire, marine, life and health insurance business, not incorporated by the State of Michigan.

The bill was read a first and second time by its title, and referred to the committee on banks and incorporations.

Mr. Childs gave notice that on some future day he would ask leave to introduce

A bill to transfer the general supervision and government of the State Agricultural College from the State Board of Education, to a State Board of Agriculture.

Mr. Moore gave notice that on some future day he would ask leave to introduce

A bill to amend section 16, of chapter 17, of the compiled laws, relative to the duties of supervisors in taking assessments.

Mr. Hill gave notice that on some future day he would ask leave to introduce

A bill for the improvement of Shiawasse and Bad rivers, in



Saginaw county, and for an appropriation of swamp lands for the same.

Mr. Pratt gave notice that on some future day he would ask leave to introduce

A bill to amend sections 99, 100, 101 and 102, of chapter No. 127, compiled laws;

Also,

A bill to amend act No. 182, of session laws of 1859, entitled an act to lay out a State road from Saginaw City, in Saginaw county, to the village of Alma, in Gratiot county.

Mr. Phelps gave notice that he would ask leave on some future day to introduce

A bill requiring assignees to give bonds the same as is required of administrators and executors of the estates of deceased persons;

Mr. Waterbury gave notice that on some future day he would ask leave to introduce

A bill to amend an act approved Feb. 15th, 1859, to provide for the laying out and establishing of a State road in the counties of Huron and Sanilac, called the Port Austin and Sanilac State road.

Also,

A bill to amend an act, approved Feb. 15, 1859, for the laying out and establishing of a State road in the county of Sanilac, called the Fremont State road.

Mr. Wallin gave notice that on some future day he would ask leave to introduce

A bill authorizing any township in Allegan county to issue its bonds for the purpose of raising funds to be expended in the improvement of the Kalamazoo river and harbor.

Mr. Foote offered the following :

*Resolved*, That the judiciary committee be instructed to inquire into the expediency of providing by law for the recovery of damages sustained by individuals in crossing decayed or defective bridges, and that they report by bill or otherwise ;

Which was adopted.



Mr. Howell gave notice that on some future day he would ask leave to introduce

A bill making the action of trespass transitory in certain cases.

Mr. Brownell offered the following :

*Resolved*, That the State Printers be requested to inform this House whether a report of the late State Treasurer for the fiscal year ending Nov. 30, 1860, has been placed in their hands, and if so, that they furnish the same to this House without delay ;

Which was adopted.

Mr. Gilbert offered the following :

*Resolved*, That the Secretary of State be requested to cause to be printed, without delay, for the use of this House, 200 copies of the annual reports for 1859 and 1860, of the several railroads in this State known as the " Land Grant Railroads."

Which was adopted.

Mr. Alexander offered the following :

*Resolved*, That the Clerk be instructed to supply each of the Supreme and Circuit Judges of this State, and each of the county officers of each and every county, a copy of the daily journal of this House, from the commencement of the present session.

Mr. Cooley moved to amend so as to include ex-members of Congress ;

Which amendment was accepted.

Mr. Howell moved to amend the resolution so as to read as follows :

*Resolved*, That the Clerk be instructed to supply each of the Supreme and Circuit Judges of this State with a copy of the daily journal of this House, from the commencement of the present session.

Which motion prevailed.

The resolution, as amended, was then adopted.

Mr. Choate offered the following:

*Resolved*, That the committee on education be instructed to



enquire into the propriety of so changing the school law, that school district officers be elected annually.

Which was not adopted.

Mr. Foote offered the following :

*Resolved*, That the committee on roads and bridges be instructed to enquire into the necessity of further legislation to enable the people of this State to legally lay out and establish highways, and that they report by bill or otherwise.

Which was adopted.

Mr. Waterbury offered the following :

*Resolved*, That the committee on supplies furnish to members of this House a sectional map of the State of Michigan.

On motion of Mr. Hurd,

The resolution was laid on the table.

Mr. Brownell offered the following :

*Resolved*, That the Secretary of State cause to be printed for the benefit of this House, 200 copies of the reports of commissions of swamp land roads.

Which was adopted.

Mr. Pringle gave notice that on some future day he would ask leave to introduce

A bill to provide for the appointment of examiners in chancery.

On motion of Mr. Howell,

The House adjourned till to-morrow morning at 10 o'clock.

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*Lansing, Tuesday, January 8, 1861.*

The House met pursuant to adjournment, and was called to order by the Speaker.

Prayer by the Rev. Mr. Armstrong.

Roll called : quorum present.

PETITIONS PRESENTED.

By Mr. Douglas : petition of Charles L. Wheeler and others, for a general law to improve harbors and rivers.



Referred to the committee on harbors.

By Mr. C. Davis : petition of Wesley F. Wood and 132 others, for an appropriation of swamp lands for a bridge across Muskegon river.

Referred to the committee on public lands.

By Mr. Douglas : petition of Charles Eschweiller and 20 others, for a general law to improve harbors and rivers.

Referred to the committee on harbors.

By Mr. C. Davis: petition of W. F. Wood, and 132 others, for the incorporation of Muskegon village.

Referred to the committee on towns and counties.

By Mr. Pringle: petition of J. W. Hulin, and 30 others, for the enactment of a law to authorize the incorporation of publication societies.

Referred to the committee on banks and incorporations.

By Mr. Fallass: memorial of James Burroughs, for an amendment of certain laws.

Referred to the committee on internal improvement.

By Mr. Waterbury: petition of J. W. Groat, Alex. McDonald, and 45 others, for an appropriation of swamp lands to improve a State road in the county of Huron.

Referred to the committee on roads and bridges.

#### REPORTS OF STANDING COMMITTEES.

By the judiciary committee:

The committee on judiciary, to whom was referred

A bill to facilitate the commencement of suits against joint defendants residing in several counties,

Respectfully report that they have had the same under consideration, and made no amendment thereto, and directed their chairman to report the same to the House with the recommendation that the bill do pass, and ask to be discharged from the further consideration of the same.

THOS. W. LOCKWOOD, *Chairman.*

Report accepted and committee discharged.

The bill was ordered printed, referred to the committee of the whole and placed upon the general order.



By the judiciary committee :

- The judiciary committee, to whom was referred

A bill to extend the time for the collection of taxes in the unorganized county of Delta,

Respectfully report that they have had the same under consideration, and directed their chairman to report the same to the House, and recommend the following amendment, to wit: Insert the following as

Section 3. It shall be the duty of the officer whose duty it is to collect the said taxes, before he shall be entitled to the benefits of this act, to pay over all moneys collected during the lifetime of his warrant, as now provided by law, and to execute to the treasurer of the county of Mackinac a bond, with sufficient sureties, to be approved by such treasurer, with the same penalty and conditions as required by law of township treasurers ;

And when so amended, recommend that the same do pass, and ask to be discharged from the further consideration thereof.

THOS. W. LOCKWOOD, *Chairman.*

Report accepted and committee discharged.

Mr. Sessions moved that the House concur in the amendment reported by the committee ;

Which motion prevailed.

The bill was ordered printed, referred to the committee of the whole, and placed on the general order.

By the judiciary committee :

The committee on the judiciary, to whom was referred

The memorial of Robert W. Cummings for certain relief,

Respectfully report that they have duly considered the same, and are of opinion that the memorialist is entitled to some relief, and ask leave to present a joint resolution concerning the same, which is herewith presented, and recommend that the same do pass, and ask to be discharged from the further consideration thereof.

By order of committee,

THOS. W. LOCKWOOD, *Chairman.*



Report accepted and committee discharged.

The joint resolution was read a first and second time by its title, ordered printed, referred to the committee of the whole, and placed on the general order.

By the committee on banks and incorporations :

The committee on banks and incorporations have had under consideration

A bill to amend an act entitled an act to provide for the incorporation of railroad companies, approved February 12, 1855,

And respectfully report that they have adopted a substitute therefor, entitled

A bill to amend section 49 of an act entitled an act to provide for the incorporation of railroad companies, approved February 12, 1855,

In which substitute the concurrence of the House is respectfully asked.

E. PRINGLE, *Chairman*.

Report accepted and committee discharged.

Mr. Lockwood moved that the House concur in the adoption of the substitute reported by the committee;

Which motion prevailed.

The bill was ordered printed, referred to the committee of the whole, and placed on the general order.

By the judiciary committee:

The committee on the judiciary, to whom was referred

A bill to provide for the restoration of lost records, papers, and proceedings in courts of record,

Respectfully report that they have had the same under consideration, and instructed their chairman to report the same to the House without amendment, and recommend that the same do pass, and ask to be discharged from the further consideration thereof.

THOS. W. LOCKWOOD, *Chairman*.

Report accepted and committee discharged.

The bill was ordered printed, referred to the committee of the whole, and placed on the general order.



By the committee on education:

The committee on education to whom was referred

A bill for the relief of school districts Nos. 1 and 2, of the township of Manchester, in the county of Washtenaw,

Having had the same under consideration, direct me to report the same back without amendment, and recommend its passage.

B. L. HILL, *Chairman.*

Report accepted and committee discharged.

On motion of Mr. Childs,

The bill was laid on the table.

By the judiciary committee:

The committee on the judiciary, to whom was referred

A bill to compel the service of process by certain ministerial officers,

Report that they have had the same under consideration, and directed their chairman to report the same back to the House, and recommend the following amendment thereto, to wit: After the enacting clause, substitute the following as section 1 of said bill :

SECTION 1. That whenever any constable, marshal, deputy or assistant marshal, sheriff or deputy sheriff, of any town, city, or county, shall at any time willfully neglect or refuse to execute any lawful process of any court or judicial officer having authority to issue the same, which shall be duly issued, or whenever such officer shall at any time on request made by one or more citizens, willfully neglect or refuse to discharge or execute any special duty imposed on any such officer by any provision of law, such officer shall be deemed guilty of a misdemeanor, and shall be liable on conviction thereof, in any court of competent jurisdiction, to a fine of not less than thirty dollars; and on a second conviction, he shall be adjudged to have forfeited his office, and to pay a fine not less than fifty dollars: *Provided*, That in all cases where such process shall be sued out in the name of a party other than the people of this State, it shall appear on the trial for such offense that the legal fees for serving such process have been tendered or paid to such officer;



And that when so amended, they recommend that the bill do pass, and ask to be discharged from the further consideration thereof.

THOS. W. LOCKWOOD, *Chairman.*

Report accepted and committee discharged.

On motion of Mr. Pringle,

The amendment reported by the committee was concurred in

The bill was then ordered printed, referred to the committee of the whole, and placed on the general order.

The Speaker announced the following communication :

*To the Hon. Speaker of the House of Representatives :*

The State Printers would respectfully state that the tables of figures and balances from the office of the State Treasurer, being all of the annual report from the Treasurer which has been received by us, are now in type, and will be furnished to the House of Representatives forthwith.

Very respectfully,

HOSMER & KERR,

*Contractors for State Printing, &c.*

*Lansing, January 8, 1861.*

The communication was laid on the table.

On motion of Mr. Sessions,

The resolution in regard to the reference of the Governors' messages, was taken from the table.

Mr. Gilbert moved to strike out, "and Representatives in Congress," in the 11th subdivision, and add to the said subdivision, "and that the subject of congressional apportionment be referred to a special committee of one from each judicial district in the Lower Peninsula, and one from the Upper Peninsula."

Which amendment did not prevail.

The resolution was then adopted.

Mr. C. Davis gave notice that on some future day he would ask leave to introduce

A bill to incorporate the village of Muskegon ;



Also,

Bills for grants of swamp lands for the construction of bridges across Muskegon and White rivers.

Mr. Read gave notice that on some future day he would ask leave to introduce

A bill to amend section 2, of chapter 40, of the compiled laws, relative to the election of county superintendents of the poor.

Mr. Henderson gave notice that, in obedience to the prayer of L. C. Rhines, and 35 others, asking for the same, he would, at some future day, ask leave to introduce

A bill providing for the incorporation of publishing associations.

Mr. Childs moved to take from the table

A bill for the relief of school districts Nos. one and two, of the township of Manchester, in the county of Washtenaw ;

Which motion prevailed.

On motion of Mr. Childs,

The rules were suspended, and the bill put upon its final passage.

The bill was then read a third time and passed, a majority of all the members elect voting therefor, by yeas and nays, as follows :

#### YEAS.

Mr. Adams,  
Alexander,  
Atwood,  
Beamer,  
Blakeslee,  
Brownell,  
Bunce,  
Chase,  
Childs,  
Chapoton,  
Cook,  
Cooley,  
Cox,  
Crego,  
Cutcheon,  
A. W. Davis,

Mr. A. L. Green,  
N. K. Green,  
Hadley,  
Haire,  
Henderson,  
Hemingway,  
Hill,  
Hodges,  
Hood,  
Howell,  
Hurd,  
Jones,  
Kanouse,  
Leetch,  
Lockwood,  
Miller,

Mr. Ramsdell,  
Rankin,  
Read,  
Sessions,  
Shank,  
Smith,  
W. N. Stevens,  
Stewart,  
Stoddard,  
Taylor,  
Tibbits,  
Toll,  
Wade,  
Wallin,  
Waterbury,  
Wetherby,



C. Davis,  
Ira Davis,  
Douglas,  
Fallass,  
Follett,  
Foote,  
Fowle,  
Gilbert,  
Goodrich,  
Gregory,

Morrison,  
Moore,  
Persons,  
Peters,  
Peterson,  
Phelps,  
Piper,  
Pratt,  
Pringle,

Wheeler,  
T. M. Wilson,  
J. B. Wilson,  
Winans,  
Woodman,  
Woodward,  
Wright,  
Speaker,

75

NAYS.

0

Title agreed to.

On motion of Mr. Childs,

By a vote of two-thirds of all the members elect, the bill was ordered to take immediate effect.

Mr. Waterbury gave notice that on some future day he would ask leave to introduce

A bill to provide for the extension of time for the collection of taxes in the township of Caseville, in the county of Huron.

Mr. Rankin gave notice that on some future day he would ask leave to introduce

A bill to amend chapter 117 of compiled laws, in relation to courts held by justices of the peace;

Also,

A bill to amend chapter 47 of compiled laws, in relation to lost goods and stray beasts.

Mr. J. B. Wilson gave notice that on some future day he would ask leave to introduce

A joint resolution relative to the rights of the General and State Governments.

Mr. Tibbits gave notice that on some future day he would ask leave to introduce

A bill to amend certain sections of an act to revise the charter of the city of Detroit, approved Feb. 12, 1859.

Mr. Read gave notice that on some future day he would ask leave to introduce

A bill to amend section 2, of act No. 187, of the session laws of 1859.



Mr. Jones gave notice that on some future day he would ask leave to introduce

A bill to amend sections one and seven, of act 187, of the session laws of 1859.

Mr. Wright, previous notice having been given, and leave being granted, introduced

A bill to extend the time for the collection and return of taxes in the unorganized territory in Manitou county.

The bill was read a first and second time by its title, and referred to the judiciary committee.

Mr. Smith, by unanimous consent, introduced

A bill to extend the time for collecting taxes in the township of Clay, in the county of St. Clair.

The bill was read a first and second time by its title, and referred to the judiciary committee.

Mr. Ramsdell, previous notice having been given, and leave being granted, introduced

A bill to provide for the payment of the amounts due from the State to the several counties.

The bill was read a first and second time by its title, and referred to the committee on towns and counties.

Mr. Tibbits, previous notice having been given, and leave being granted, introduced

A bill to repeal an act entitled an act to prevent the adulteration of alcoholic liquors, and to punish all persons who shall sell or offer to sell adulterated liquors and other adulterated beverages.

The bill was read a first and second time by its title, and referred to the judiciary committee.

Mr. Hill, previous notice having been given, and leave being granted, introduced

A bill declaring certain streams public highways, and to regulate running and booming of logs thereon.

The bill was read a first and second time by its title, and referred to the committee on internal improvements.



Mr. Haire, previous notice having been given, and leave being granted, introduced

A bill to amend act No. 117, of the session laws of 1859, being an act entitled an act to provide for the drainage and reclamation of swamp lands by means of State roads and ditches.

The bill was read a first and second time by its title, and referred to the committee on public lands.

Mr. Pringle, previous notice having been given, and leave being granted, introduced

A bill to amend section 2 of an act entitled an act to establish graded and high schools, approved February 14, 1859.

The bill was read a first and second time by its title, and referred to the committee on education.

Mr. Douglas, previous notice having been given, and leave being granted, introduced

A bill to establish and construct a State road from Copper Harbor, in the county of Houghton, to the village of Webster, in the county of Ontonagon, to be known as the "Mineral Range State Road."

The bill was read a first and second time by its title, and referred to the committee on public lands.

Mr. Shank, previous notice having been given, and leave being granted, introduced

A bill to amend certain sections of an act establishing a House of Correction, and the act amendatory thereto.

The bill was read a first and second time by its title, and referred to the committee on Reform School.

Mr. Hill gave notice that on some future day he would ask leave to introduce

A bill to lay out and establish a State road from Saginaw City, in Saginaw county, to Owosso, in Shiawassee county, and for an appropriation of swamp lands for the same ;

Also,

A bill for the extension of time for the collection of taxes in the city of East Saginaw, and for the purpose of correcting errors in the tax roll.



Mr. Cook gave notice that on some future day he would ask leave to introduce

A bill to amend act No. 247, of the laws of 1859, entitled an act to amend certain sections of the Primary School law, approved Feb. 15, 1859 ;

Also,

A bill to amend certain sections of session laws of 1859, in relation to support of poor persons, approved Feb. 11, 1859.

Mr. Howell moved that the committee of the whole be discharged from the further consideration of

A bill to extend the time for the collection of taxes in the unorganized county of Delta.

Which motion prevailed.

On motion of Mr. Toll,

The rules were suspended and the bill put upon its final passage.

The bill was then read a third time and passed, a majority of all the members elect voting therefor, by yeas and nays, as follows :

#### YEAS.

Mr. Adams,  
Alexander,  
Atwood,  
Baker,  
Beamer,  
Blakeslee,  
Brownell,  
Bunce,  
Chase,  
Childs,  
Choate,  
Chapoton,  
Cook,  
Cooley,  
Cox,  
Crego,  
Cutcheon,  
A. W. Davis,  
C. Davis,  
Ira Davis,  
Douglas,

Mr. Gregory,  
A. L. Green,  
N. K. Green,  
Hadley,  
Haire,  
Henderson,  
Hemingway,  
Hill,  
Hodges,  
Hood,  
Howell,  
Hurd,  
Jones,  
Kanouse,  
Leetch,  
Lockwood,  
Miller,  
Morrison,  
Moore,  
Persons,  
Peters,

Mr. Rankin,  
Read,  
Sessions,  
Shank,  
Shanahan,  
Smith,  
W. N. Stevens,  
A. Stevens,  
Stewart,  
Stoddard,  
Strong,  
Taylor,  
Tibbits,  
Toll,  
Wade,  
Wallin,  
Waterbury,  
Wetherby,  
Wheeler,  
T. M. Wilson,  
J. B. Wilson,



Fallass,  
Follett,  
Foote,  
Fowle,  
Gilbert,  
Goodrich,

Peterson,  
Phelps,  
Piper,  
Pratt,  
Pringle,  
Ramsdell,

Winans,  
Woodman,  
Woodward,  
Wright,  
Speaker,

80

NAYS.

0

Title agreed to.

On motion of Mr. Pringle,

By a vote of two-thirds of all the members elect, the bill was ordered to take immediate effect.

Mr. Sessions offered the following :

*Resolved*, That the committee on judiciary be instructed to bring in

A bill to extend the time for the collection of taxes in each township in the State.

On motion of Mr. Gregory,

The resolution was laid on the table.

Mr. Hurd offered the following :

*Resolved*, That the committee on printing be instructed to report at their earliest convenience, and state the reasons why the Governors' messages have not appeared.

Mr. Howell moved to lay the resolution on the table;

Which motion did not prevail.

Mr. Brownell moved to amend by including the State Treasurer's report.

On motion of Mr. Morrison,

The whole subject was indefinitely postponed.

Mr. Goodrich offered the following :

*Resolved*, That the time embraced in the resolution granting the use of this hall to Alonzo Hyde, for the purpose of a temperance lecture, be postponed to Tuesday evening, Jan. 15th.

Which was adopted.

Mr. Baker gave notice that on some future day he would ask leave to introduce

A bill to amend section 1 of an act to establish graded and high schools, approved February 14, 1859.



Mr. Jones gave notice that on some future day he would ask leave to introduce a

Joint resolution to amend section 12, of article 13, of the Constitution of the State of Michigan.

Mr. Gilbert gave notice that on some future day he would ask leave to introduce

A bill for the repeal of the laws for the collection of debts contracted after the passage thereof, where the amount in controversy does not exceed twenty-five dollars.

Mr. Brownell offered the following :

*Resolved*, That the committee on the judiciary be instructed to bring in a general law for the incorporation of villages.

The resolution was withdrawn by the mover.

Mr. Shank gave notice that on some future day he would ask leave to introduce

A bill to amend the charter of the city of Lansing.

Mr. Wright gave notice that on some future day he would ask leave to introduce

A bill to amend act 194, of session laws of 1859, to organize a certain township in Manitou county.

Mr. Howell gave notice that on some future day he would ask leave to introduce

A bill to repeal section one of an act making appropriation for the payment of warrants drawn by the Board of State Auditors, approved Feb. 12, 1855.

Mr. Strong gave notice that on some future day he would ask leave to introduce

A bill to amend section 12 of the registry law, so termed.

On motion of Mr. Waterbury,

The House adjourned till to-morrow morning at 10 o'clock.

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*Lansing, Wednesday, January 9, 1861.*

House met pursuant to adjournment, and was called to order by the Speaker.

Prayer by Rev. Mr. Gillet.

Roll called : quorum present.



## PETITIONS PRESENTED.

By Mr. Pringle : petition of John French and 70 others, for the repeal of the charter of the Jackson and Michigan plank road company.

Referred to the committee on judiciary.

By Mr. Hill : petition of Mayor Barton, and 25 others, citizens of East Saginaw, to have the time extended for the collection of taxes in said city.

Referred to the committee on judiciary.

By Mr. Ramsdell : petition of J. S. Dixon, and 12 others, asking for a State road from the head of Traverse Bay to Little Traverse Bay, and ask an appropriation of swamp lands for the construction of the same.

Referred to the committee on public lands.

By Mr. Stoddard : petition of David Hinton, and 79 others, for the laying out and establishing a State road in Tuscola county, and to provide for the construction of the same by an appropriation of swamp lands, lying and being in said county.

Referred to the committee on public lands.

By Mr. Douglas : petition of Phenix Copper Company, that certain taxes collected of them contrary to law be refunded.

Referred to the committee on ways and means.

By Mr. Jones : petition of C. Shanahan, Judge of Probate of Cass county, for the amendment of the probate laws.

Referred to the committee on the judiciary.

By Mr. Waterbury : petition of Asa M. Sly, A. W. Willits, and 163 others, asking for a law authorizing commissioners of highways to boom rivers, and otherwise protect bridges in this State.

Referred to the committee on roads and bridges.

## REPORTS OF STANDING COMMITTEES.

By the judiciary committee:

The judiciary committee, to whom was referred

A bill to extend the time for collecting the taxes in the township of Clay, in the county of St. Clair,



Respectfully report that they have had the same under consideration, and have been unable to learn of any sufficient reason for the passage of the bill, and therefore have directed their chairman to report said bill back to the House with the recommendation that it do not pass, and ask to be discharged from the further consideration of the same.

THOS. W. LOCKWOOD, *Chairman*.

Report accepted, and committee discharged.

On motion of Mr. Howell,

The bill was laid on the table.

By the judiciary committee :

The committee on the judiciary, to whom was referred

A bill to extend the time for the collection of taxes in the unorganized territory in Manitou county,

Respectfully report that they have had the same under consideration, and recommend the following amendments thereto :

1. In section one, at the end of the third line, insert the words "the year 1861, and until the same date in," and after the words "each year," immediately following the above, insert the word "thereafter," and after the word "organized," in the same line, strike out the words "or the necessity for such extension shall otherwise cease to exist."

2. Add to the end of the bill the following :

Section 3. It shall be the duty of the officer whose duty it is to collect the taxes in the territory aforesaid, before he shall be entitled to the benefits of this act, to pay all moneys collected during the time he was heretofore allowed by law to collect the same, and to execute to the treasurer of said county a bond in a similar form and with like conditions and penalty as is required by law of county treasurers, with sufficient sureties, to be approved by such treasurer;

And when so amended they recommend that the bill do pass, and ask to be discharged from the further consideration thereof.

THOS. W. LOCKWOOD, *Chairman*.

Report accepted and committee discharged.



On motion of Mr. Wright,

The House concurred in the amendments made by the committee.

On motion of Mr. Howell,

The bill was laid on the table.

By the judiciary committee :

The committee on the judiciary, who were instructed by a resolution of this body, passed on the 8th instant, to inquire into the expediency of providing by law for recovery of damages sustained by individuals in crossing decayed or defective bridges, respectfully report that they see no necessity of any legislation on the subject indicated by the resolution. As the law now stands, in the opinion of your committee, the township, county, plank road or turnpike company, whose duty it is to maintain the bridge which shall cause the damage, is fully liable for the same, and the courts of the State are open for the prosecution of the claim.

Your committee, therefore, have no action to recommend on the subject, except to ask to be discharged from the further consideration thereof.

By order of the committee,

THOS. W. LOCKWOOD, *Chairman.*

Report accepted and committee discharged.

The resolution was laid on the table.

By the committee on towns and counties :

The committee on towns and counties, to whom was referred

A bill to provide for the payment of the amounts due from the State to the several counties,

Having had the same under consideration, have directed their chairman to report the bill back to the House, without amendment, and recommend its passage.

J. B. WILSON, *Chairman.*

Report accepted and committee discharged.

The bill was ordered printed, referred to the committee of the whole, and placed on the general order.

By the committee on the Reform School :



The committee on the Reform School, to whom was referred  
A bill to amend certain sections of an act establishing a  
House of Correction, and the acts amendatory thereto,

Would respectfully report that they have had the same under  
consideration, and have instructed their chairman to report the  
same back to the House without amendment, and recommend  
that the same do pass, and ask to be discharged from the fur-  
ther consideration of the same.

G. E. READ, *Chairman.*

Report accepted and committee discharged.

The bill was ordered printed, referred to the committee of the  
whole, and placed on the general order.

COMMUNICATIONS FROM STATE OFFICERS.

The Speaker announced the following :

OFFICE OF SECRETARY OF STATE, }  
*Lansing, January 8, 1861.* }

*To the Hon. Legislature of the State of Michigan :*

I have before me the resolution of your honorable body asking  
a report of the railroads in this State known as the "land grant  
railroads."

In reply, would state that neither of the roads organized un-  
der this act have made their annual reports for the years 1859  
and 1860, to this office.

Very respectfully,

JAMES B. PORTER,

*Secretary of State.*

MOTIONS, RESOLUTIONS AND NOTICES.

Mr. T. M. Wilson offered the following :

*Resolved*, That the committee to whom was referred so much  
of the Governors' messages as related to the manufacture of salt,  
and a bounty on the same, shall consist of five members;

Which was adopted.

Mr. A. L. Green gave notice that on some future day he would  
ask leave to introduce



A bill to incorporate the Grand Traverse College, at Benzonia, in the county of Grand Traverse.

Mr. Taylor offered the following :

*Resolved*, That a select committee of three be appointed to recommend such amendments to our State constitution as may seem to be necessary.

On motion of Mr. Howell,

The resolution was laid on the table.

Mr. Toll gave notice that on some future day he would ask leave to introduce

A bill to organize the county of Bleecker.

Mr. Lockwood gave notice that on some future day he would ask leave to introduce

A bill to amend section 4 of an act entitled an act supplementary to an act to define the limits, jurisdiction and powers of Circuit Courts, approved April 7, 1851; and to repeal an act supplementary to said act, approved June 27, 1851, which act proposed to be amended was approved Feb. 14, 1853.

Mr. Pratt gave notice that on some future day he would ask leave to introduce

A bill to provide for the further application upon a part of the Port Huron, Bay City and Lansing State road of a portion of the original appropriation for the same, as per act 117, session laws of 1859.

Mr. Henderson gave notice that on some future time he would ask leave to introduce

A bill amending section 18, of chapter 118, of the compiled laws of 1857.

Mr. Sessions offered the following :

*Resolved*, That the committee on judiciary be instructed to bring in a bill to provide for the payment of the amounts due from the several counties to the State.

Which was adopted.

Mr. Gilbert offered the following :

*Resolved*, That the committee on militia be requested to report to this House, without delay, what legislation (if any) is



necessary for placing the volunteer and enrolled militia of this State in condition for prompt and efficient action.

Which was adopted.

Mr. Adams presented the biennial report of the board of trustees of the Michigan Asylum for the Insane for the years 1859 and 1860, and asked that it be referred to the committee on the asylum for the insane.

The report was referred to the committee on the asylum for the insane.

Mr. W. N. Stevens offered the following :

*Resolved*, That, as lovers of the Union, our thanks are due to Major Anderson, and the men under his command, for their prompt, gallant and loyal action in taking possession of Fort Sumpter.

On motion of Mr. Morrison,

The resolution was referred to the committee on federal relations.

Mr. Ramsdell, previous notice having been given, and leave being granted, introduced

A bill to repeal an act entitled an act to furnish the Michigan Journal of Education to school districts.

The bill was read a first and second time by its title, and referred to the committee on education.

Mr. Ramsdell, previous notice having been given, and leave being granted, introduced

A bill to amend an act entitled an act to authorize the business of banking.

The bill was read a first and second time by its title, and referred to the committee on banks and incorporations.

Mr. Hemingway, previous notice having been given, and leave being granted, introduced

A bill to amend section 5089, of the compiled laws, in relation to the costs of proceedings in criminal cases.

The bill was read a first and second time by its title, and referred to the committee on the judiciary.



Mr. Wilson, previous notice having been given, and leave being granted, introduced

A joint resolution relative to the General and State governments.

The joint resolution was read a first and second time by its title, and referred to the committee on federal relations.

Mr. Cutcheon, previous notice having been given, and leave being granted, introduced

A bill to amend section 1, of chapter 80, of the compiled laws, relative to the establishment of teachers' institutes.

The bill was read a first and second time by its title, and referred to the committee on education.

Mr. Hill, previous notice having been given, and leave being granted, introduced

A bill to extend the time for the collection of taxes in the city of East Saginaw, in Saginaw county, and to legalize the correction of errors in the assessment roll thereof, for the year 1860.

The bill was read a first and second time by its title, and referred to the committee on judiciary.

Mr. Tibbits, previous notice having been given, and leave being granted, introduced

A bill to amend act No. 129, of the session laws of 1859, relative to the charter of the city of Detroit, approved Feb. 12th, 1859.

The bill was read a first and second time by its title, and referred to the committee on banks and incorporations.

Mr. Ramsdell, previous notice having been given, and leave being granted, introduced

A bill to amend an act entitled an act to provide for letting to contract the furnishing of fuel and stationery for the use of the State, and also the printing and binding.

The bill was read a first and second time by its title, and referred to the committee on printing.

Mr. Pringle, previous notice having been given, and leave being granted, introduced



A bill to authorize appeals to Circuit and District Courts from special proceedings before justices of the peace.

The bill was read a first and second time by its title, and referred to the judiciary committee.

Mr. Jones, previous notice having been given, and leave being granted, introduced

A joint resolution to amend section 12, of article 13, of the constitution of the State of Michigan, relative to the Library Fund;

Which was read a first and second time by its title, and referred to the judiciary committee.

Mr. Waterbury, previous notice having been given, and leave being granted, introduced

A bill to provide when township treasurers of newly organized counties shall make their returns, and for the collection of taxes in certain cases.

The bill was read a first and second time by its title, and referred to the judiciary committee.

Mr. Ramsdell, previous notice having been given, and leave being granted, introduced

A bill to repeal chapter 80, of the compiled laws.

The bill was read a first and second time by its title, when Mr. Ramsdell moved that it be referred to the judiciary committee.

Mr. Childs moved to amend by striking out "judiciary committee," and inserting "committee on education,"

Which motion prevailed ;

And the bill was then referred to the committee on education.

Mr. Pratt, previous notice having been given, and leave being granted, introduced

A bill to amend sections 99, 100, 101, and 102, of chapter No. 127, of compiled laws.

The bill was read a first and second time by its title, and referred to the judiciary committee.

Mr. Tibbits offered the following :

*Resolved*, That the committee on judiciary be requested to



report a bill to confer upon Justices of the Peace jurisdiction in cases of forcible entry and detainer, and of forcible detainer only.

On motion of Mr. Howell,

The resolution was laid on the table.

Mr. Sessions gave notice that on some future day he would ask leave to introduce

A bill to increase the amount named in the bond of the State Treasurer.

Mr. Wright moved to take from the table

A bill to extend the time for the collection and return of taxes in the unorganized territory in Manitou county ;

Which motion prevailed.

On motion of Mr. Sessions,

The bill was ordered engrossed for a third reading.

Mr. Ramsdell gave notice that on some future day he would ask leave to introduce

A bill to amend act No. 209, of the session laws of 1859.

Mr. Hill offered the following :

*Resolved*, That the State Librarian be instructed to furnish each member with copies each of the compiled laws, and other laws and documents of the last two sessions of the Legislature.

Mr. Alexander moved to strike out the words "State Librarian," and insert "Sergeant-at-arms ;"

Which amendment was accepted.

The resolution was then withdrawn by the mover.

On motion of Mr. Howell,

The House went into committee of the whole upon the

#### GENERAL ORDER.

The Speaker called Mr. Howell to the Chair.

After some time spent thereon, the committee rose, and through their chairman, reported as follows :

The committee of the whole have had under consideration the following bills :

1. A bill to amend section 44, of chapter 65, of the revised statutes of 1846, (compiled laws, vol. 2, sec. 2763);



2. A bill to provide for the restoration of lost records, papers, and other proceedings, in courts of record ;

3. A bill to facilitate the commencement of suits against joint defendants residing in several counties;

4. A bill to amend section 49, of an act entitled "an act to provide for the incorporation of railroad companies," approved Feb. 12, 1855 ;

To the first and second named bills no amendments have been made ; to the third named bill amendments have been made, in which the concurrence of the House is respectfully asked ; and the committee recommend that said bills do pass, and ask to be discharged from the further consideration thereof.

Upon the fourth bill the committee reported progress, and asked leave to sit again.

Report accepted.

The amendments reported by the committee were concurred in, the recommendations adopted, and leave granted to sit again.

On motion of Mr. Pringle,

The three first named bills were ordered engrossed for a third reading.

On motion of Mr. Howell,

The House then adjourned till to-morrow morning at ten o'clock.

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*Lansing, Tuesday, January 10, 1861.*

The House met pursuant to adjournment, and was called to order by the Speaker.

Roll called : quorum present.

The Speaker announced the following as the special committee on "Salt Interest":

Messrs. T. M. Wilson, Moore, Fallass, Hill, Gregory.

PETITIONS PRESENTED.

By Mr. Pringle: remonstrance of D. B. Hibbard, and 110 others, citizens of the city of Jackson, against the repeal of the charter of the Jackson & Michigan Plank Road Co.



Referred to the judiciary committee.

By Mr. Miller: petition of H. T. Farrand, and 57 others, citizens of Hillsdale county, praying for the enactment of a law authorizing the incorporation of publication societies.

Referred to the committee on banks and incorporations.

By Mr. Hill: petition of the superintendents of the Saginaw county poor house, praying for an act more clearly defining the distinction between town and county paupers.

Referred to the judiciary committee.

#### REPORTS OF STANDING COMMITTEES.

By the judiciary committee :

The committee on the judiciary, to whom was referred the petition of C. Shanahan, for the amendment of the probate laws, would respectfully report that they have considered the same, and are of opinion that the prayer thereof should be granted, and ask leave to report a bill for that purpose, which is herewith presented, and ask to be discharged from the further consideration of the same.

THOS. W. LOCKWOOD, *Chairman.*

Report accepted and committee discharged.

The bill was read a first and second time by its title, ordered printed, referred to the committee of the whole, and placed on the general order.

By the judiciary committee:

The majority of the committee on the judiciary, to whom was referred

A bill to amend section 5689 of the compiled laws, in relation to the costs of proceedings in criminal cases,

Would respectfully report that they have considered the same, and are not able to discover any good reason why said law should be amended, as anticipated by said bill, and therefore recommend that the bill do not pass, and ask to be discharged from the further consideration of the same.

THOS. W. LOCKWOOD, *Chairman.*

Report accepted.



On motion of Mr. Howell,

The report was laid on the table, and leave granted the minority of the committee to report.

By the committee on education :

The committee on education, to whom was referred

A bill to repeal chapter 80 of the compiled laws,

Having had the same under consideration, have ordered me to report that they see no good reason for the repeal asked for, and therefore report the same back, and recommend that the bill do not pass, and ask to be discharged from the further consideration of the same.

B. L. HILL, *Chairman*.

Report accepted, and committee discharged.

On motion of Mr. Howell,

The bill was laid on the table.

By the committee on education :

The committee on education, to whom was referred

A bill to repeal an act entitled an act to furnish the Michigan Journal of Education to the school districts,

Having had the same under consideration, have instructed me to report the same back without amendment, and recommend the same do not pass, and ask to be discharged from the further consideration of the same.

B. L. HILL, *Chairman*.

Report accepted, and committee discharged.

On motion of Mr. Shanahan,

The bill was laid on the table.

By the judiciary committee :

The committee on the judiciary, to whom was referred

A bill to authorize appeals to circuit courts from special proceedings before justices of the peace,

Respectfully report that they have had the same under consideration, and have instructed the undersigned to report the same back to the House without amendment, and recommend



that the same do pass, and ask to be discharged from the further consideration of the subject.

By order of committee,

EUGENE PRINGLE.

Report accepted and committee discharged.

The bill was referred to the committee of the whole, placed on the general order, and ordered printed.

By the committee on internal improvements:

The committee on internal improvements, to whom was referred

A bill declaring certain streams public highways, and to regulate running and booming logs therein,

Have had the same under consideration, and have instructed their chairman to report the same back to the House, and ask to be discharged from its further consideration, and recommend that the same be referred to the committee on judiciary.

ALONZO SESSIONS, *Chairman.*

Report accepted and committee discharged.

On motion of Mr. Howell,

The bill was referred to the committee on the judiciary.

By the committee on internal improvements :

The committee on internal improvements, to whom was referred the memorial of James Burroughs, praying that the assessment laws may be so amended as to exempt the "bonds and mortgages of the wealthy old man who has retired from active business," for the reason that the "lands covered by said bonds and mortgages are assessed to some young and active person who has accumulated nothing," have seriously considered the same, and have instructed their chairman to report :

That it is the deliberate opinion of your committee, that it is not for the interest of the State to embark in any new system of internal improvements until the completion of the Erie & Kalamazoo Canal ; and your committee ask to be discharged from the further consideration of the same.

ALONZO SESSIONS, *Chairman.*

Report accepted and committee discharged.



The memorial was laid on the table.

By the committee on engrossment and enrollment :

The committee on engrossment and enrollment, report as correctly engrossed, the following bills :

A bill to facilitate the commencement of suits against joint defendants residing in several counties;

Also,

A bill to extend the time for the collection and return of taxes in the unorganized territory in Manitou county.

A. L. GREEN, *Chairman.*

Report accepted.

By the committee on agriculture and manufactures:

The committee on agriculture and manufactures, and on education, to whom was referred so much of the Governors' messages as relates to the Agricultural College, have had under consideration so much of said messages as relates to the committing of the future care of this College to a State Board of Agriculture, and have instructed their chairman to make the following report:

That in the opinion of your committee the objects designed in the founding of such an Institution in this State, would be far more likely to be attained, that a deeper interest in the Institution would be awakened among the farmers of Michigan, and that a new impulse would be given to the enterprise by thus transferring the general supervision and government of said College from the State Board of Education to a State Board of Agriculture, and accordingly report by bill.

JAMES WEBSTER CHILDS,

*Chairman of Committee on Agriculture and Manufactures.*

Report accepted and committee discharged.

The bill was read a first and second time by its title, ordered printed, referred to the committee of the whole, and placed on the general order.



## COMMUNICATIONS FROM STATE OFFICERS.

The Speaker announced the following :

OFFICE OF SECRETARY OF STATE, }  
*Lansing, January 9, 1861.* }

*To the Legislature of Michigan :*

GENTLEMEN:—I have received a copy of a resolution instructing me “to cause to be printed 200 copies of commissioners’ reports of swamp land roads.”

I find but one report filed in this office (by commissioners of Ionia and Mackinaw road,) and desire to know if you wish the same printed.

Respectfully, &c.,

JAMES B. PORTER,  
*Secretary of State.*

On motion of Mr. Howell,

The communication was referred to the committee on public lands.

## MESSAGES FROM THE SENATE.

The Speaker announced the following :

SENATE CHAMBER, }  
*Lansing, January 9, 1861.* }

*To the Speaker of the House of Representatives :*

SIR:—I am instructed to return to the House the following entitled bill :

A bill to extend the time for the collection of taxes in the unorganized county of Delta;

In the passage of which the Senate has concurred by a majority vote of all the Senators elect, and has ordered the same to take immediate effect by a vote of two-thirds of all the Senators elect.

Very respectfully,

A. B. TURNER,  
*Secretary of the Senate.*

The bill was referred to the committee on engrossment and enrollment.



## MOTIONS, RESOLUTIONS AND NOTICES.

Mr. Shank offered the following:

*Resolved*, That the committee on State Prison be directed to make a personal examination of the premises, and report to this House at its earliest convenience, the amount of improvement and repairs necessary to the safe keeping and working of the probable number of prisoners that may be sent to said prison for the next three years, together with the amount of appropriation necessary to complete the same ; also such other information as they may deem important to the interest of said institution.

Which was adopted.

Mr. Taylor gave notice that on some future day he would ask leave to introduce

A bill to exempt the property of certain persons from taxation for State and county purposes.

Mr. Lockwood offered the following :

*Resolved*, That the committee on the judiciary are hereby authorized to employ a clerk whenever in their judgment the state of business requires it.

Which was adopted.

Mr. Pratt gave notice that on some future day he would ask leave to introduce

A bill to provide for the contesting of elections, in the cases of county and township officers ;

Also,

A bill to amend the law of garnishment, and to extend the provisions of the same to circuit courts.

Mr. Stewart offered the following :

*Resolved*, That the judiciary committee be instructed to inquire into the propriety of amending section 150, of chapter 117, of the compiled laws, by striking out the words "*Justice shall be authorized to issue execution,*" and inserting in place thereof the words "*rendition of judgment ;*" with leave to report by bill or otherwise.

Which was adopted.



Mr. Henderson, previous notice having been given, and leave being granted, introduced

A bill to provide for the incorporation of publishing associations.

The bill was read a first and second time by its title, and referred to the committee on banks and incorporations.

Mr. Lockwood, previous notice having been given, and leave being granted, introduced

A bill to amend section 4 of an act entitled an act supplementary to an act to define the limits, jurisdiction and powers of circuit courts, approved April 8, 1851; and to repeal an act supplementary to said act, approved June 27, 1851, which act, hereby amended, was approved February 14, 1853.

The bill was read a first and second time by its title, and referred to the judiciary committee.

Mr. Howell, previous notice having been given, and leave being granted, introduced

A bill to repeal an act making appropriations for the payment of warrants drawn by the Board of State Auditors.

The bill was read a first and second time by its title, and referred to the judiciary committee.

Mr. Cutcheon, previous notice having been given, and leave being granted, introduced

A bill to provide for an additional Circuit Court Commissioner for the county of Washtenaw.

The bill was read a first and second time by its title, and referred to the judiciary committee.

Mr. Toll, previous notice having been given, and leave being granted, introduced

A bill to organize the county of Bleecker.

The bill was read a first and second time by its title, and referred to the committee on towns and counties.

Mr. Cooley gave notice that on some future day he would ask leave to introduce

A bill to amend chapter 10, of the compiled laws, in rela-



tion to the duties of county surveyors in recording surveys, and their compensation for the same.

Mr. Pringle gave notice that on some future day he would ask leave to introduce

A bill to provide for the taking of proof in cases of the contested elections of members of the Legislature.

### THIRD READING OF BILLS.

House bill, being

A bill to extend the time for the collection and return of taxes in the unorganized territory in Manitou county,

Was read a third time and passed, a majority of all the members elect voting therefor, by yeas and nays, as follows :

### YEAS.

Mr. Adams,  
Alexander,  
Atwood,  
Baker,  
Beamer,  
Blakeslee,  
Brownell,  
Bunce,  
Chase,  
Childs, •  
Choate,  
Chapoton,  
Cook,  
Cooley, •  
Cox,  
Crego,  
Cutcheon,  
A. W. Davis,  
C. Davis,  
Ira Davis,  
Douglas,  
Fallass,  
Follett,  
Foote,  
Fowle,  
Gilbert,  
Goodrich,

Mr. Gregory,  
A. L. Green,  
N. K. Green,  
Hadley,  
Haire,  
Henderson,  
Hemingway,  
Hill,  
Hodges,  
Hood,  
Howell,  
Hurd,  
Jones,  
Kanouse,  
Kelsey,  
Leetch,  
Lockwood,  
Miller,  
Morrison,  
Moore,  
Persons,  
Peters,  
Peterson,  
Phelps,  
Piper,  
Pratt,  
Pringle,

Mr. Ramsdell,  
Rankin,  
Read,  
Sessions,  
Shank,  
Shanahan,  
Smith,  
W. N. Stevens,  
A. Stevens,  
Stewart,  
Stoddard,  
Strong,  
Taylor,  
Tibbits,  
Toll,  
Wade,  
Wallin,  
Waterbury,  
Wetherby,  
Wheeler,  
T. M. Wilson,  
J. B. Wilson,  
Winans,  
Woodman,  
Woodward,  
Wright,  
Speaker,

81

### NAYS.

Title agreed to.



On motion of Mr. Howell,

By a vote of two-thirds of all the members elect, the bill was ordered to take immediate effect.

House bill, entitled

A bill to facilitate the commencement of suits against joint defendants residing in several counties,

Was read a third time and passed, a majority of all the members elect voting therefor, by yeas and nays, as follows :

YEAS.

Mr. Adams,	Mr. Gregory,	Mr. Ramsdell,
Alexander,	A. L. Green,	Rankin,
Atwood,	Hadley,	Read,
Baker,	Haire,	Sessions,
Beamer,	Henderson,	Shank,
Blakeslee,	Hemingway,	Shanahan,
Brownell,	Hill,	Smith,
Bunce,	Hodges,	W. N. Stevens,
Chase,	Hood,	Stewart,
Childs,	Howell,	Stoddard,
Choate,	Hurd,	Strong,
Chapoton,	Jones,	Taylor,
Cook,	Kanouse,	Tibbits,
Cooley,	Kelsey,	Toll,
Cox,	Leetch,	Wade,
Crego,	Lockwood,	Wallin,
Cutcheon,	Miller,	Waterbury,
A. W. Davis,	Morrison,	Wetherby,
C. Davis,	Moore,	Wheeler,
Ira Davis,	Persons,	T. M. Wilson,
Douglas,	Peters,	J. B. Wilson,
Fallass,	Peterson,	Winans,
Follett,	Phelps,	Woodman,
Foote,	Piper,	Woodward,
Fowle,	Pratt,	Wright,
Goodrich,	Pringle,	Speaker,

78

NAYS.

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Title agreed to.

On motion of Mr. Pringle,

By a vote of two thirds of all the members elect, the bill was ordered to take immediate effect.

House bill, being



A bill to amend section 44, of chapter 65, of the revised statutes of 1846, (compiled laws, vol. 2, section 2763,)

Being under consideration,

Mr. Pringle moved to recommit the bill to the committee on the judiciary, with instructions to amend as follows :

Amend by striking out the words "to be recovered in an action in the case," in line 7, and insert in place thereof, "to the person who shall perform the condition of such mortgage, or make such tender to the mortgagor, his heirs or assigns, or to any one who may have an interest in the mortgaged premises, to be recovered in an action in the case, or be awarded by a court of equity upon a bill filed to procure a discharge or release of such mortgage, with double costs, in the discretion of the court."

Which motion prevailed.

House bill, entitled

A bill to provide for the restoration of lost records, papers and proceedings in courts of record,

Being under consideration,

Mr. Haire moved to recommit the bill to the committee of the whole, with instructions to amend as follows :

By adding to section 5 the following : "The applicant shall pay all costs incurred by proceedings under this act."

Which motion did not prevail.

The bill was then read a third time and passed, a majority of all the members elect voting therefor, as follows:

#### YEAS.

Mr. Adams,  
Alexander,  
Atwood,  
Baker,  
Beamer,  
Blakeslee,  
Brownell,  
Bunce,  
Chase,  
Childs,  
Choate,

Mr. Goodrich,  
Gregory,  
A. L. Green,  
Hadley,  
Henderson,  
Hemingway,  
Hill,  
Hodges,  
Howell,  
Hurd,  
Jones,

Mr. Ramsdell,  
Rankin,  
Read,  
Sessions,  
Shank,  
Shanahan,  
Smith,  
W. N. Stevens,  
A. Stevens,  
Stewart,  
Stoddard,



Chapoton,  
Cook,  
Cooley,  
Cox,  
Crego,  
Cutcheon,  
C. Davis,  
Ira Davis,  
Douglas,  
Fallass,  
Follett,  
Foote,  
Fowle,  
Gilbert,

Kanouse,  
Kelsey,  
Leetch,  
Lockwood,  
Miller,  
Morrison,  
Moore,  
Persons,  
Peters,  
Peterson,  
Phelps,  
Piper,  
Pratt,  
Pringle,

Taylor,  
Tibbits,  
Toll,  
Wade,  
Wallin,  
Waterbury,  
Wetherby,  
Wheeler,  
T. M. Wilson,  
J. B. Wilson,  
Woodman,  
Woodward,  
Wright,  
Speaker, 75

# NAYS.

Mr. A. W. Davis,      Mr. Haire,      Mr. Strong,      8

Title agreed to.

On motion of Mr. Lockwood,

The House went into committee of the whole on the

## GENERAL ORDER.

The Speaker called Mr. Lockwood to the chair.

After some time spent thereon, the committee rose, and through their chairman reported as follows :

The committee of the whole have had under consideration

A bill to amend section 49 of an act entitled an act to provide for the incorporation of railroad companies, approved February 12, 1855;

In the consideration of which the committee report progress and ask leave to sit again.

Also,

A bill to provide for the payment of the amounts due from the State to the several counties;

Which the committee have amended by striking out all after the enacting clause,

Also,

A joint resolution for the relief of Robert M. Cummings;

To which the committee have made an amendment.

In all which the concurrence of the House is respectfully asked.

The House concurred in the action of the committee.



Mr. Howell moved that the enacting clause of the bill entitled  
A bill to provide for the payment of the amounts due from the  
State to the several counties, be indefinitely postponed,

Which motion prevailed.

The joint resolution for the relief of Robert W. Cummings,  
Was ordered engrossed for a third reading.

On motion of Mr. Alexander,

The House adjourned till to-morrow morning at 10 o'clock.

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*Lansing, Friday, January 11, 1861.*

House met pursuant to adjournment, and was called to order  
by the Speaker.

Prayer by Rev. Mr. Gillett.

Roll called : quorum present.

Absent, without leave, Mr. Fallass.

Mr. Stevens asked and obtained leave of absence for Mr. Fal-  
lass until Monday.

Mr. A. L. Green asked and obtained leave of absence for  
himself until Monday.

PETITIONS PRESENTED.

By Mr. Toll : remonstrance of John S. Read and others, against  
the organization of the county of Delta.

Referred to the committee on towns and counties.

By Mr. Shank : petition of Charles Whittlesey, praying that  
this Legislature will require the proper officer to convey certain  
swamp lands.

Mr. Shank moved to refer the petition to a select committee  
of three.

Mr. Taylor moved to strike out "a select committee of three,"  
and insert "the committee on public lands."

The amendment was withdrawn by the mover.

The motion to refer to a special committee of three was then  
adopted.



## REPORTS OF STANDING COMMITTEES.

By the judiciary committee:

The committee on the judiciary, to whom was recommitted

A bill to amend section 44, of chapter 65, of the revised statutes of 1846, being sec. 2763 of the compiled laws,

Respectfully report that they have amended the bill in accordance with the instructions of the House, and recommend that the same do pass as amended, and ask to be discharged from the further consideration thereof.

THOS. W. LOCKWOOD, *Chairman.*

Report accepted and committee discharged.

On motion of Mr. Howell,

The bill was placed on the order of third reading.

By the judiciary committee:

The committee on the judiciary, to whom was referred

A bill to provide when township treasurers of newly organized counties shall make their returns, and for the collection of taxes in certain cases,

Respectfully report that they have had the same under consideration, and recommend the following amendments thereto:

1. Amend the title of the bill so as to read as follows:

A bill to provide for the collection and return of taxes by township treasurers in newly organized counties in certain cases.

2. Add a new section, as section 3, as follows:

Sec. 3. Such newly organized county, and the county to which the same, or any part thereof, was formerly attached, shall settle and adjust their equitable rights in a division and apportionment of such taxes between them according to the provisions of section 21, of chapter 9, of the compiled laws, and the sections following, to section 25 inclusive,

And when so amended, recommend that the same do pass.

THOS. W. LOCKWOOD, *Chairman.*

Report accepted and committee discharged.

On motion of Mr. Sessions,



The amendments made by the committee were concurred in.

The bill was ordered printed, referred to the committee of the whole, and placed on the general order.

By the judiciary committee :

The committee on the judiciary, to whom was referred

A bill to amend section 4, of an act entitled an act supplementary to an act to define the limits, jurisdiction and powers of Circuit Courts, approved April 8, 1851, and to repeal an act supplementary to said act, aproved June 27, 1851, which act thereby amended was approved February 14, 1853,

Respectfully report that they have had the same under consideration, and directed their chairman to report the same to the House without amendment, and recommend that the same do pass, and ask to be discharged from the further consideration thereof.

THOS. W. LOCKWOOD, *Chairman.*

Report accepted and committee discharged.

The bill was ordered printed, referred to the committee of the whole, and placed on the general order.

By the judiciary committee :

The committee on the judiciary, to whom was referred

A bill to repeal an act entitled an act to prevent the adulteration of alcoholic liquors, and to punish all persons who shall sell, or offer to sell, adulterated liquors and other adulterated beverages, approved February 15, 1859,

Respectfully report that they are of opinion, both from representations made to them and their own observation, that said section of the act referred to, authorizing the Probate Judge of each county to appoint inspectors of liquors, and the subsequent sections, have been worse than useless in their operation, and have in no way tended to ensure pure and unadulterated liquor to those who desire it for medicinal or mechanical purposes, (such as weak stomachs, or raising buildings,) which are the purposes for which the article is now authorized by law to be used ; and that a sufficient penalty for adulteration of liquor is already provided by law, in an act contained in



chapter 186, of the compiled laws. Your committee therefore recommend that the bill referred to them be passed, without amendment.

THOS. W. LOCKWOOD, *Chairman.*

Report accepted and committee discharged.

The bill was ordered printed, referred to the committee of the whole, and placed on the general order.

By the committee on rules and joint rules :

The committee on rules and joint rules, to whom was referred a resolution of the House to amend rule No. 5 so as to read as follows: "The yeas and nays of the members of the House on any question, shall be entered on the journal at the request of one-tenth of the members elected,"

Respectfully report that they have had the same under consideration, and have instructed their chairman to report the same back to the House, with a recommendation that it do not pass, and ask to be discharged from the further consideration of the same.

S. R. KELSEY, *Chairman.*

Report accepted and committee discharged.

On motion of Mr. Howell,

The resolution was laid on the table.

By the committee on banks and incorporations :

The committee on banks and incorporations have had under consideration the petitions of L. C. Rhines and 30 others, citizens of Battle Creek ; J. W. Hulin and 30 others, citizens of Jackson ; Henry T. Farnam and 8 others, and H. T. Farnam and 57 others, citizens of Hillsdale; and also a bill entitled an act to provide for the incorporation of associations for the publication of books, tracts, documents, and other matters of a religious, historical, literary or educational character, and respectfully report in favor of granting the prayer of the petitioners. The bill referred is intended to accomplish the object sought, but in the opinion of the committee requires certain amendments which are presented herewith. The committee respectfully request the concurrence of the House in said amendments, and recom-



mend that when so amended the bill do pass, and ask to be discharged.

E. PRINGLE, *Chairman.*

Report accepted and committee discharged.

On motion of Mr. Lockwood,

The amendments made to the bill by the committee were concurred in.

The bill was ordered printed, referred to the committee of the whole, and placed on the general order.

By the committee on rules and joint rules :

The committee on rules and joint rules, to whom was referred a resolution of this body, adopted on the 7th inst., instructing them to inquire into the propriety of striking out rule 30,

Respectfully report, that they find, on referring to the rules adopted as the rules of this House, that rule No. 30 contains the same provisions embraced in rule 28, one of which they deem to be superfluous, therefore, have instructed their chairman to report the same back to the House, with a recommendation that the rules of the House be amended by striking out rule No. 30, and that the numbers of the rules following be properly corrected, and ask to be discharged from the further consideration of the same.

S. R. KELSEY, *Chairman.*

Report accepted and committee discharged.

On motion of Mr. Shank,

The House concurred in the recommendation of the committee, and the rules were so amended.

By the committee on militia:

The committee on militia ask leave to report, that they have had under consideration the resolution of the gentleman from Kent, (Mr. Gilbert,) and upon examination find some revision of the law is needed, and further information necessary from the Adjutant and Quarter-Master General.

We learn that the number of enrolled militia in the State are 110,600 able bodied men. The number of volunteer companies, 40. Number of men composing them, who are armed and



equipped ready for active service, are 1,241. To facilitate the business of the committee, they ask the House to order printed immediately, 2,000 copies of the report of the Adjutant and Quarter-Master General, (now on file in the office of the Governor,) for the year 1860. And that the committee be further authorized to call upon the Adjutant General, and other eminent military men, for such plans and recommendations as may be deemed proper for putting the volunteer companies and the enrolled militia of the State in condition for active service.

A. W. DAVIS, *Chairman.*

Report accepted and committee discharged.

By the committee on engrossment and enrollment :

The committee on engrossment and enrollment, report as correctly enrolled, signed and presented to the Governor, the following :

A bill to extend the time for the collection of taxes in the unorganized county of Delta.

A. L. GREEN, *Chairman.*

Report accepted.

COMMUNICATIONS FROM STATE OFFICERS.

OFFICE OF SUPT OF PUBLIC INSTRUCTION, }  
Lansing, January 11, 1861. }

*To the Hon. Speaker of the House of Representatives :*

SIR—The State Printers being prevented by the pressure of other work from completing the work on my annual report, and the information contained therein being important for the use of the Legislature, I have caused copies of the same, as far as printed, to be laid upon the tables of the Honorable members. I write this to explain the reason of the imperfect state of those copies.

Very respectfully,

J. M. GREGORY,

*Superintendent of Public Instruction.*

Laid on the table.

The Speaker announced the following



## MESSAGE FROM THE SENATE :

SENATE CHAMBER,  
*Lansing, January 10, 1861.* }

*To the Speaker of the House of Representatives :*

SIR—I am instructed to return to the House the following entitled bill :

A bill to provide for the relief of school districts Nos. 1 and 2, of the township of Manchester, in the county of Washtenaw,

In the passage of which the Senate has concurred by a majority vote of all the Senators elect, and has ordered the same to take immediate effect by a vote of two-thirds of all the Senators elect.

Very respectfully,

A. B. TURNER,  
*Secretary of the Senate.*

The bill was referred to the committee on engrossment and enrollment.

Also the following :

SENATE CHAMBER,  
*Lansing, January 10, 1861.* }

*To the Speaker of the House of Representatives :*

SIR :—I am instructed by the Senate to transmit the following entitled joint resolution :

Joint resolution relative to the suit of this State against the Phoenix Bank of the city of New York,

Which has passed the Senate by a majority vote of all the Senators elect, and in which the concurrence of the House is respectfully asked.

Very respectfully,

A. B. TURNER,  
*Secretary of the Senate.*

The bill was read a first and second time by its title, and referred to the committee on the judiciary.

Mr. Hemingway gave notice that on some future day he would ask leave to introduce



A bill to provide for the payment of the amount due from the State to the several counties, for taxes on the canal lands.

Mr. Taylor gave notice that on some future day he would ask leave to introduce

A bill to lay out and establish a State road from Muskegon, in Muskegon county, through Cedar Springs, in Kent county, thence through Montcalm county to Ithaca, in Gratiot county, thence through St. Charles and Faymouth to the Flint and Saginaw Plank Road, in Birch Run, Saginaw county, and for an appropriation of swamp lands for the same.

Mr. Phelps offered the following :

*Resolved*, That this House order printed forthwith 2000 copies of the Adjutant and Quarter Master General's report for 1860.

Which was adopted.

Mr. Childs offered the following :

*Resolved*, That Prof. Fisk, of the State Agricultural College, be invited to deliver an address upon agricultural education, in this Hall, on Monday evening of next week.

Which was adopted.

Mr. Woodward offered the following :

*Resolved*, That the committee on deaf, dumb and blind asylum be directed to make a personal examination of said asylum, to enable them to act intelligently on the matters referred to them, and to report to this House at their earliest convenience.

Which was adopted.

Mr. Childs gave notice that on some future day he would ask leave to introduce

A bill to provide for the marking and branding of horses, cattle, sheep and swine.

Mr. Lockwood gave notice that on some future day, he would ask leave to introduce

A bill relative to the issue of capiases for witnesses in criminal cases ;

Also,



A bill in relation to the collection of recognizances in criminal cases.

Mr. Ramsdell offered the following:

*Whereas*, As there is a difference of opinion among the members of this House as to the *actual* condition of the accounts between the State and the several counties ; therefore

*Resolved*, That the Auditor General be requested to report to this House what proportion of the delinquent taxes returned for the year 1859 consists of State taxes, and also report what amount of said delinquent taxes have been paid in to the State, either before or after sale, up to the first day of January, 1861 ; also to report what amount of State taxes are included in the amount bid in for the State, and also to report whether all of the moneys received by the State up to said first day of January, on account of delinquent taxes returned from the several counties not indebted to the State, other than the State tax, have been paid over to the several counties in accordance with section 856 of the compiled laws ; and if the same have not been paid over, then to report the amount of such moneys, so received, and remaining unpaid, for all previous years, and the amount of such moneys due the counties respectively ; also, to report the amount due the several counties on account of canal land tax released ; also, the amount due the several counties of the Upper Peninsula on account of specific mining taxes.

Mr. Pringle moved to strike out the preamble.

The preamble was withdrawn by the mover of the resolution. The resolution was then adopted.

Mr. Lockwood gave notice that on some future day he would ask leave to introduce

A bill to amend section 5, of chapter 165, of the revised statutes of 1846, subdivision 6072 compiled laws.

Mr. Hodges gave notice that on some future day he would ask leave to introduce

A bill to repeal sections 1687, 1688 and 1689, of chapter 54, of compiled laws.



Mr. Lockwood moved that the following resolution be recommended to the committee on judiciary:

*Resolved*, That the judiciary committee be instructed to enquire into the expediency of providing by law for the recovery of damages sustained by individuals in crossing decayed or defective bridges, and that they report by bill or otherwise.

Which motion prevailed.

Mr. Hill gave notice that on some future day he would ask leave to introduce

A bill to lay out and establish a State road from the town of Duplain, in Clinton county, through the towns of Brady, Chessening and Maple Grove, in Saginaw county, to the Flint and Saginaw plank road, in the town of Montrose, in Genesee county, and for an appropriation of swamp land for the same.

Mr. Wallin gave notice that on some future day he would ask leave to introduce

A bill to provide for publishing the statistics of the State of Michigan, taken by authority of the United States, in the year one thousand eight hundred and sixty.

Mr. Tibbits offered the following :

*Resolved*, That the committee on salt have leave to visit the several localities where salt is manufactured, and report such facts as may be of importance to this House.

Mr. Howell moved to amend by adding, "also that the committee on federal relations be authorized to visit South Carolina, the better to enable them to report upon the state of the Union."

On motion of Mr. Kelsey,

The resolution was laid on the table.

Mr. Pratt, previous notice having been given, and leave being granted, introduced

A bill to amend an act entitled an act to lay out a State road from Saginaw City, in Saginaw county, to Alma, in Gratiot county, being act No. 182, session laws 1859.

The bill was read a first and second time by its title, and referred to the committee on public lands.



Mr. Howell, previous notice having been given, and leave being granted, introduced

A bill to regulate the interest on money loaned, and other contracts and liabilities.

The bill was read a first and second time by its title, and referred to the judiciary committee.

Mr. Wallin, previous notice having been given, and leave being granted, introduced

A bill to authorize any township in the county of Allegan to make loans and levy taxes for the improvement of the Kalamazoo river and harbor.

The bill was read a first and second time by its title, and referred to the committee on harbors.

Mr. Wheeler, previous notice having been given, and leave being granted, introduced

A bill to amend an act (No. 184, of session laws of 1859,) entitled an act to provide punishment for fraudulently removing or embezzling property under chattel mortgage.

The bill was read a first and second time by its title, and referred to the committee on the judiciary.

Mr. Kelsey moved to take from the table the resolution relative to furnishing members of the House with a map of the State;

Which motion prevailed.

Mr. Kelsey then offered the following as an amendment to the original resolution :

*Resolved*, That the committee on supplies cause to be placed in each committee room, a correct map of the State of Michigan, for the use of the members of this House.

Mr. Waterbury offered the following as a substitute for the resolution:

*Resolved*, That the committee on supplies be instructed to procure outline maps of the State for the use of each member of the House.

On motion of Mr. Howell,



The whole subject was referred to the committee on public lands.

Mr. Gilbert offered the following :

*Resolved*, That the special committee on the manufacture of salt be requested to take such measures as may be necessary for placing before this House correct information as to the number of companies that have been organized in the State, under the provisions of the laws thereof, for the manufacture of salt, and the number actually engaged in said manufacture ; the quantity of salt already made by each ; the strength of the brine in the wells of each of the several companies, or individuals, according to the standard by which it is tested, and such other information in regard to the salt wells and salt manufacture of this State as will be of interest to this House.

Which was adopted.

Mr. C. Davis offered the following :

*Resolved*, That the committee on militia be authorized to call on the Adjutant General, and other military men of experience, for statistical information on the present condition of the military department, and also for such plans and estimates as may be deemed necessary for putting the volunteer and enrolled militia in readiness for any active services which may be required.

Mr. Gilbert moved to amend by inserting "ten thousand of" after the word "putting," in the resolution.

Which motion prevailed.

The resolution, as amended, was then adopted.

Mr. Pringle offered the following :

*Resolved*, That the committee upon mines and minerals report to this House the condition, capital invested, value and amount of the products of the mines of iron, copper, coal and plaster within the State, and such other facts relating thereto as in their opinion will be of interest to this House.

Which was adopted.

Mr. Ramsdell gave notice that on some future day he would ask leave to introduce



A bill to establish a State road from Manistee to Northport, and an appropriation of swamp lands for the construction of the same.

## THIRD READING OF BILLS.

House joint resolution, entitled

A joint resolution for the relief of Robert M. Cummings;

Was read a third time and passed, a majority of all the members elect voting therefor, by yeas and nays, as follows :

## YEAS.

Mr. Adams,	Mr. Gregory,	Mr. Ramsdell,
Alexander,	N. K. Green,	Rankin,
Atwood,	Hadley,	Read,
Baker,	Haire,	Sessions,
Beamer,	Henderson,	Shank,
Blakeslee,	Hemingway,	W. N. Stevens,
Bunce,	Hill,	Stewart,
Chase,	Hodges,	Stoddard,
Childs,	Hood,	Strong,
Choate,	Howell,	Taylor,
Chapoton,	Jones,	Tibbits,
Cook,	Kanouse,	Toll,
Cox,	Kelsey,	Wade,
Crego,	Lockwood,	Wallin,
Cutcheon,	Miller,	Waterbury,
A. W. Davis,	Morrison,	Wetherby,
C. Davis,	Moore,	Wheeler,
Ira Davis,	Persons,	T. M. Wilson,
Douglas,	Peters,	J. B. Wilson,
Foote,	Peterson,	Woodward,
Fowle,	Phelps,	Wright,
Gilbert,	Pringle,	Speaker,
Goodrich,		

67

## NAYS.

Mr. Shanahan,	Mr. Winans,	Mr. Woodman,	8
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Title and preamble agreed to.

House bill, entitled

A bill to amend section 44, of chapter 65, of the revised statutes of 1846, (compiled laws, vol. 2, section 2763,)

Was read a third time and passed, a majority of all the members elect voting therefor, by yeas and nays, as follows :



## YEAS.

Mr. Adams,	Mr. Hadley,	Mr. Sessions,
Alexander,	Haire,	Shank,
Atwood,	Henderson,	Shanahan,
Baker,	Hemingway,	W. N. Stevens,
Beamer,	Hill,	Stewart,
Blakeslee,	Hodges,	Stoddard,
Bunce,	Hood,	Strong,
Chase,	Howell,	Taylor,
Childs,	Kanouse,	Tibbits,
Choate,	Kelsey,	Toll,
Chapoton,	Lockwood,	Wade,
Cox,	Miller,	Wallin,
Crego,	Morrison,	Waterbury,
Cutchcon,	Moore,	Wetherby,
C. Davis,	Persons,	Wheeler,
Ira Davis,	Peters,	T. M. Wilson,
Follett,	Peterson,	J. B. Wilson,
Foote,	Phelps,	Winans,
Fowle,	Pratt,	Woodman,
Gilbert,	Pringle,	Woodward,
Goodrich,	Ramsdell,	Wright,
Gregory,	Rankin,	Speaker,
N. K. Green,	Read,	68
	NAYS.	0

Title agreed to.

The House then went into committee of the whole upon the

## GENERAL ORDER,

Mr. Morrison in the chair.

After some time spent thereon, the committee rose, and through their chairman reported as follows :

The committee of the whole have had under consideration

A bill to amend section 49 of an act entitled an act to provide for the incorporation of railroad companies, approved February 12, 1855,

In the consideration of which they have made some progress, and ask leave to sit again.

The report was accepted, and leave granted.

By unanimous consent, the Speaker announced the following



## MESSAGE FROM THE SENATE :

SENATE CHAMBER,  
Lansing, January 11, 1861. }

*To the Speaker of the House of Representatives :*

I am instructed by the Senate to transmit the following entitled bills:

A bill to repeal act No. 197 of the session laws of 1859, being an act entitled an act to restore certain sections of land to town six south of range five east, approved Feb. 15, 1859 ;

Also,

A bill to repeal act 29 of the session laws of 1859;

Which have passed the Senate by a majority vote of all the Senators elect, and by a vote of two-thirds of all the Senators elect, been ordered to take immediate effect, and in all of which the concurrence of the House is respectfully asked.

Very respectfully,

A. B. TURNER,

*Secretary of the Senate.*

The first named bill was read a first and second time by its title, and referred to the committee on towns and counties.

The second named bill was read a first and second time by its title, and referred to the committee on State affairs.

Also the following :

SENATE CHAMBER,  
Lansing, January 11, 1861. }

*To the Speaker of the House of Representatives :*

SIR :—I am instructed by the Senate to transmit the following concurrent resolution to the House :

*Resolved*, (the House concurring,) That the committee of the Senate and House of Representatives on the State prison, be empowered to act as a joint committee, and that they have leave to visit the State prison, examine the same in all its parts, and report to the Senate and House any change they may deem necessary to be made in the mechanical departments, or otherwise, and the amount necessary to be appropriated for the use



and support, or improvement of said prison for the next two years ;

Which has passed the Senate, and in which the concurrence of the House is respectfully asked.

Very respectfully,

A. B. TURNER,

*Secretary of the Senate.*

On motion of Mr. Shank,

The House concurred in the resolution.

The Speaker announced the appointment of the special committee on the memorial of Charles Whittlesey, as follows :

Messrs. Shank, Waterbury and Jones.

On motion of Mr. Childs,

The House adjourned till to-morrow morning at 10 o'clock.

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*Lansing, Saturday, January 12, 1861.*

House met pursuant to adjournment, and was called to order by the Speaker.

Prayer by Rev. Mr. Armstrong.

Roll called : quorum present.

Absent, without leave, Messrs. Baker, Chapoton, Ira Davis, Lockwood, Phelps, Sessions, Woodward.

Mr. Miller, asked and obtained leave of absence for Mr. Woodward for 3 days.

Mr. A. W. Davis asked and obtained leave of absence for Messrs. Chapoton and Phelps.

Mr. C. Davis, asked and obtained leave of absence for Mr. Sessions until Tuesday next.

Mr. Pringle, asked and obtained leave of absence for Mr. Lockwood until Wednesday next.

Mr. Waterbury, asked and obtained leave of absence for Mr. Ira Davis until Wednesday.

Mr. Wallin asked and obtained leave of absence for Mr. Baker until Monday.



## PETITIONS PRESENTED.

By Mr. Foote : petition of Joseph N. Hiscock, praying for a change of name.

Referred to the committee on judiciary.

By Mr. Douglas : petition of R. Edwards and 190 others, for a division of Houghton county.

Referred to the committee on towns and counties.

By Mr. Shank : petition of Henry Smith, that this Legislature will do all in its power, that rebellion may cease.

Mr. Howell called for the reading of the petition.

After the reading of the same,

Mr. Moore moved to lay the petition on the table ;

Which motion did not prevail.

Mr. Cutcheon moved to refer the petition to the committee on federal relations ;

Which motion prevailed, and the petition was so referred.

## REPORTS OF STANDING COMMITTEES.

By the judiciary committee :

The committee on judiciary, to whom was referred the following resolution :

*Resolved*, That the judiciary committee be instructed to inquire into the propriety of amending section 150, of chapter 117, of the compiled laws, by striking out the words "*Justice shall be authorized to issue execution*," and inserting in place thereof the words "*rendition of judgment*;" with leave to report by bill or otherwise,

Respectfully report that they have had the same under consideration, and are of opinion that the change proposed ought not to be made, and ask to be discharged from the further consideration of the same.

E. PRINGLE, *Acting Chairman*.

Report accepted and committee discharged.

By the judiciary committee :

The committee on the judiciary have had under consideration  
Senate joint resolution, entitled



A joint resolution relative to the suit of the State against the Phoenix Bank of the city of New York,

And respectfully report the same back to the House, without amendment, with a recommendation that the same do pass, and ask to be discharged from the further consideration of the same.

E. PRINGLE, *Acting Chairman.*

Report accepted and committee discharged.

The joint resolution was placed on the order of third reading.

By the judiciary committee :

The committee on judiciary, to whom was referred

A bill to amend an act to provide punishment for fraudulently removing or embezzling property under chattel mortgage, approved February 15, 1859,

Respectfully report the same back to the House with a recommendation that the same be amended by striking out the words "three months," and inserting the words "one year," in place thereof, and that when so amended the bill do pass, and ask to be discharged from further consideration of the same.

E. PRINGLE, *Acting Chairman.*

Report accepted and committee discharged.

The amendment made by the committee was concurred in.

The bill was ordered printed, referred to the committee of the whole, and placed on the general order.

By the minority of the committee on judiciary :

The minority of the committee on judiciary beg leave to report in reference to the bill entitled

A bill to amend section 5689 of the compiled laws, in relation to the costs of proceedings in criminal cases,

That said amendment proposes to make it discretionary in justices of the peace, in criminal prosecutions instituted at the instance of private persons, whether to demand security for costs or not. In the present condition of the law there seems to be no discretionary power, but security must, in such cases, be given.



The minority believe that the amendment proposed by the bill under consideration, is conducive of public justice, because there are many cases in which the present law may work great hardship. Transient persons, or those traveling, are, in a measure, deprived of justice as the law now stands. In cases where property is stolen and removed into another county, justice may be greatly hindered if not entirely denied, unless at great trouble and expense to the complainant. In new counties, especially, cases arise where the law, in its present form, works impartial. The abolition of grand jurors, it will be remembered, deprives a complainant of any other mode of instituting proceedings against offenders except by complaint, examination, &c. Those persons in a community against whom, from various reasons, there exists great prejudice, are, in a measure, deprived of a remedy for many injuries.

There are other reasons which induce the minority to believe that substantial justice will be enhanced by the passage of this bill, and they recommend its passage.

WM. T. HOWELL,  
G. E. PRATT.

On motion of Mr. Howell,

The minority report was laid on the table.

By the committee on State affairs :

The committee on State affairs, to whom was referred Senate bill entitled

A bill to repeal Act No. 29 of the session laws of 1859;

Respectfully report that they have had the same under consideration, and instructed their chairman to report the same back to the House without amendment, and recommend its passage, and ask that the committee be discharged from its further consideration.

A. H. MORRISON, *Chairman.*

On motion of Mr. Morrison,

The bill was placed on the order of third reading.

By the committee on harbors :

The committee on harbors to whom was referred



A bill to authorize any township in the county of Allegan to make loans and levy taxes for the improvement of the Kalamazoo river and harbor,

Would respectfully report that they have had the same under consideration, and have instructed me to report the same back to the House, and recommend that the same do pass, and ask to be discharged from the further consideration of the same.

T. M. WILSON, *Chairman.*

Report accepted and committee discharged.

The bill was ordered printed, referred to the committee of the whole and placed on the general order.

By the committee on public lands :

The committee on public lands, to whom was referred the resolution, with pending amendment, in relation to maps of the State for the use of members, report :

That they have had the same under consideration, and recommend that two large maps be procured, to be suspended in some convenient place, for reference ; also, that one pocket outline map of the State be procured for the use of each member. The cost of the two large maps, as the committee are informed, will be, in Detroit, \$10 each. Small maps, (township maps of 1857,) will cost 30 cents each, here, in Lansing. These maps of 1857 are different in the location of roads and towns that have been laid out and built up since that date, but in all other respects they will answer every purpose for present use. The maps of recent date are quite perfect in respect to towns, and are, of course, more valuable, but will cost about \$1 each.

The committee submits the following as a substitute for the resolution referred to them, and ask to be discharged from the further consideration of the subject :

*Resolved*, That the committee on supplies be requested to furnish two large maps of the State for the use of this House, and a small one to each member of this House, provided that the large ones can be provided at an expense of not more than twelve dollars each, and not more than thirty cents each for the small or outline maps.

J. C. WATERBURY, *Chairman.*



Report accepted and committee discharged.

The substitute submitted by the committee was adopted.

The question recurring, upon the original resolution, as amended by the substitute, the same was adopted.

By the committee on towns and counties :

The committee on towns and counties, to whom was referred the petition of W. F. Wood and one hundred and thirty-two others, of the village of Muskegon, for the incorporation of the village of Muskegon, having examined all the papers relating to the same, and being satisfied that all the requirements of the law have been complied with, direct me to report in favor of granting the prayer of the petitioners.

JOHN B. WILSON, *Chairman.*

Report accepted and committee discharged.

By the committee on towns and counties :

The committee on towns and counties, to whom was referred Senate bill entitled,

A bill to repeal act No. 197, of the session laws of 1859, being an act entitled an act 'to restore certain sections of land to town six, south of range five east, approved Feb. 15, 1859,

Would report that the same has been under their consideration, and direct me to report the same to this House, and recommend the passage of the bill.

J. B. WILSON, *Chairman.*

Report accepted and committee discharged.

On motion of Mr. Howell,

The bill was referred to the committee of the whole, and placed on the general order.

#### MESSAGE FROM THE GOVERNOR.

The Speaker announced the special message of Governor Wisner, relative to pardons granted by him during his term of office, together with the reasons therefor.

On motion of Mr. Howell,

The message was laid on the table and ordered printed.



## MOTIONS, RESOLUTIONS AND NOTICES.

Mr. Adams offered the following :

*Resolved*, (the Senate concurring,) That the committees of the House of Representatives and Senate on the Asylum for the Insane, be empowered to act as a joint committee, and that they have leave to visit the Insane Asylum, at Kalamazoo, and inquire into the condition and management of the same, also to inquire into the propriety and necessity of the appropriation asked for by the board of trustees, in order that they may report to their respective Houses.

Laid on the table under the rules.

Mr. Pringle gave notice that on some future day he would ask leave to introduce

A bill to amend chapters fifty-eight and one hundred and twenty-eight of the revised statutes of 1846, in regard to the disposition of fines, penalties, forfeitures and recognizances;

Also,

A bill to amend sections eight and sixteen of chapter ninety-four of the revised statutes of 1846.

Mr. Cook gave notice that on some future day he would ask leave to introduce

A bill to amend chapter 23, of compiled laws, relative to the removal of obstructions from highways.

Mr. Cutcheon introduced the following :

*Resolved*, That the committee on federal relations be requested to report on the various resolutions referred to them, at the earliest possible day consistent with a due consideration of the same.

Which was adopted.

Mr. Wallin gave notice that on some future day he would ask leave to introduce

A bill appropriating certain lands in Allegan county for the improvement of Kalamazoo river and harbor.

Mr. Tibbits gave notice that on some future day he would ask leave to introduce



A bill to amend sections 9 and 34, of chapter 128, of compiled laws, relative to the selection of jurors;

Also,

A bill to amend sections 1, 2, 8, 16, and 20, of chapter 118, of compiled laws, relative to jurisdiction of justices of the peace.

Mr. Peterson, previous notice having been given, and leave being granted, introduced

A bill for the continuation of an emigrant agency, and an appropriation made therefor.

The bill was read a first and second time by its title, and

On motion of Mr. Peterson,

Was referred to a select committee of three, to be appointed by the Speaker.

Mr. Henderson, unanimous consent having been given, introduced

A bill to amend section 18, of chapter 94, of the revised statutes, being section 3941 of the compiled laws of 1857.

The bill was read a first and second time by its title, and referred to the judiciary committee.

Mr. Cook, previous notice having been given, and leave being granted, introduced

A bill to amend section 8, of act No. 104, of session laws of 1859, relative to the support of poor persons by the public.

The bill was read a first and second time by its title, and referred to the judiciary committee.

Mr. Wright, unanimous consent being given, introduced

A bill to amend act 194 of the session laws of 1859, entitled an act to organize the township of Garden Island, in Manitowish county, and to change the name of said township to Lincoln.

The bill was read a first and second time by its title, and referred to the committee on towns and counties.

Mr. Atwood gave notice that on some future day he would ask leave to introduce

A bill to amend an act entitled an act to amend chapter 93, of the revised statutes of 1846, entitled of courts held by justices of the peace, approved February 13, 1855.



Mr. Hill, unanimous consent being given, introduced

A bill to amend an act entitled an act to establish teachers' institutes, approved February 10, 1855,

The bill was read a first and second time by its title and referred to the committee on education.

Mr. Hill gave notice that on some future day he would ask leave to introduce

A bill to amend an act entitled an act for the protection of game in this State, so as to include Elk ;

Also,

A bill to provide for compensation for improvements upon lands sold under judicial proceedings, in certain cases.

Mr. Peterson gave notice that on some future day he would ask leave to introduce

A bill being an act to amend sections 1 and 2, of chapter 126, of revised statutes of 1846, relating to certain liens upon real property.

Mr. Jones gave notice that on some future day he would ask leave to introduce

A joint resolution to amend section 15, of article 18, of the constitution of the State of Michigan, relative to the revision of the laws of this State.

Mr. Childs gave notice that at some future time he would ask leave to introduce

A bill to amend act No. 257, of the session laws of 1859, the same being an act authorizing the commissioners of highways of townships to establish water courses, and locate ditches, in certain cases.

On motion of Mr. Howell,

The House went into committee of the whole on the

#### GENERAL ORDER.

The Speaker called Mr. Morrison to the chair.

After some time spent thereon, the committee rose, and through their chairman, reported as follows :

The committee of the whole have had under consideration the following bills :



A bill to amend section 49, of an act entitled "an act to provide for the incorporation of railroad companies," approved Feb. 12, 1855,

Which they have amended; also,

A bill relative to levies of executions on real estate,

Upon which they have made some progress, and ask leave to sit again.

On motion of Mr. Kelsey,

The House concurred in the amendment made by the committee to the first named bill.

On motion of Mr. Howell,

The bill was laid on the table.

Leave was granted the committee to sit again upon the second named bill.

On motion of Mr. T. M. Wilson,

The House adjourned till Monday morning at 10 o'clock.

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*Lansing, Monday, January 14, 1861.*

House met pursuant to adjournment, and was called to order by the Speaker.

Prayer by Rev. Mr. Vibbert.

Roll called: quorum present.

The Speaker announced the following as the special committee upon the following entitled bill:

A bill for the continuation of an emigrant agency, and an appropriation made therefor;

Messrs. Peterson, Moore and Pratt.

PETITIONS PRESENTED.

By Mr. Kelsey: petition of M. King, N. J. Bentley, Robert Kirby and others, praying for an amendment to act No. 208, of session laws of 1859, for the establishment of School district libraries.

Referred to the committee on education.

By Mr. Kelsey: petition of Mr. King, Robert Kirby, N. J.



Bentley and others, praying for a county superintendent of schools, and one inspector for each township.

Referred to the committee on education.

REPORTS OF STANDING COMMITTEES.

By the judiciary committee:

The committee on the judiciary have had under consideration,

A bill to amend section eight, of act No. 104, of session laws of 1859, relative to the support of poor persons by the public, approved February 11, 1859,

And respectfully report the same back to the House, with certain amendments proposed herewith, and recommend that when so amended the bill do pass, and ask to be discharged from the further consideration of the subject.

E. PRINGLE, *Acting Chairman.*

Report accepted and committee discharged.

On motion of Mr. Follett,

The amendments made by the committee were concurred in.

The bill was ordered printed, referred to the committee of the whole, and placed on the general order.

By the committee on federal relations :

The committee on federal relations, to whom so much of the present and retiring Governor's messages as relates to the relations of the State with other States of the Union and the General Government, submit the following report :

The Constitution of the United States is to be regarded as the supreme law of the land, ordained and established by the people themselves. The emphatic language of its preamble speaks the sentiments of the Fathers who established it : " We the people of the United States, do ordain and establish this *Constitution* for the United States of America."

It can be regarded in no other light than as a "*fundamental law of government*"—supreme in its powers, and investing the United States with all the attributes of sovereignty which, in its accepted sense, precludes the idea of any superior power. It is a solemn compact between the people of the United States,



and as citizens of the United States, in the exercise of their highest known power, and from which all the attributes of sovereignty are derived—not the acts of a “distinct people of a particular State with the people of the other States”—but the people of all the States acting in harmony in order to “establish a more perfect union.”

The Constitution of the United States was deliberately intended by the people to supersede the old articles of confederation, which were interpreted to be “a mere treaty or league between independent States, and binding no longer than during the good pleasure of each.” This act of the people, in ordaining the Constitution, being assented to by the States separately and in their sovereign capacity, so much of their sovereign power as was necessary to render the general government supreme, was surrendered by the voluntary and deliberate acts of the people and the States.

This, then, makes an irrevocable form of government, and the aggregate of States composing the Union are as much bound by the provisions of the Constitution, as the aggregate of the several counties of a State are in the formation of a State government.

For the first time since the adoption of the federal Constitution it has now become a practical question for the solution of the people, whether this independent government, clothed with all the attributes of sovereignty, and that, with the full and free consent of the governed, possesses the power of self-preservation.

A portion of the people of the United States, already in arms, assume a hostile attitude, and declare their purpose to subvert the government itself under what they please to term “peaceable secession.”

We say *people*, because we maintain the position to be incontrovertible, that they cannot seek protection under State authority, where the attempt to exercise such authority by a State is utterly void by the express provisions of the Constitution itself, and being void, they act as *citizens* in rebellion against the sov-



foreign power, and not as States in a separate and sovereign capacity.

“No State shall, without the consent of Congress, enter into any agreement or compact with another State, or with a foreign power”—“no State shall enter into any treaty, alliance or confederation,” is the express language of the supreme law of the land.

This, then, constitutes of itself a complete social compact—not the first formed by the same people. “The Declaration of Independence was a social compact by which the whole people covenanted with each citizen of the united colonies, and each citizen with the whole people, that the united colonies were, and of right ought to be free, and independent States. To this compact *union* was as vital as freedom and independence. From the hour of that independence, no one of the States whose people were parties to it, could, without a violation of that primitive compact, secede or separate from the rest. Each was pledged to all, and all were pledged to each other by a concert of soul, without limitation of time, in the presence of Almighty God, and proclaimed to all mankind.”

These solemn acts of our people confirm the law of nature and of nature's God, in the duty of self preservation, and are incapable of transfer or surrender. The right to enforce is accessory to the obligation to perform, and forms the basis of all engagements, whether between individuals or between States, and upon this broad doctrine rests the solution of the present question.

The citizens, who at this time are in arms against the government and seek its overthrow, are in no dispute as to the powers granted to the General Government, and those “reserved to the States respectively, or to the people;” and the committee do not feel called upon to discuss that proposition. They are waging a sectional and local warfare upon the baseless proposition that a President of the United States, peaceably and constitutionally elected, will forswear himself, encourage innovations upon the rights of the States, and refuse to administer the government.



impartially and for the common benefit and protection of all—a proposition so reprehensible and absurd as to receive the reprobation of the common judgment of mankind.

By the practice of our governments, State and National, the supreme power of the General Government, within its constitutional limits, has been conceded and acknowledged for more than three quarters of a century. A single illustration will suffice to show a settled conviction of our people on this subject.

The official oath administered and taken by officers of the Federal and State Governments is a fair illustration. In the former, they are sworn to support the constitution of the United States only, thus positively declaring that they have no agency in the affairs in the State Governments—in the latter they are sworn to support not only the constitution of their own individual State, but also of the United States, showing their duty to give effect to the National Constitution as the *supreme law of the land*.

From these premises the committee deduce the doctrine that the Government of the United States, in its constitutional capacity, is supreme, with full power to punish and prevent treason, rebellion, revolution or secession, and all other acts calculated to disturb its peace and harmony, as also to provide for its self-preservation and continuance. The exercise of this power is a question of delicate and momentous importance. The horrors of civil war, and the shedding of the blood of our own fellow-citizens—the innocent with the guilty—are abhorrent to the feelings of christianity and philanthropy, and should only be tolerated as the last resort to preserve the Union and the liberties of the people.

In a crisis like the present, when excitement endangers the control of reason, we should scrutinize our own record and that of our people. It is the summit of human virtue, to judge impartially in our own case, and by our acts, as legislators and citizens, show to the world that we are the lovers of constitutional liberty.

Your committee yet retain the hope that a returning sense of



duty and of justice, may yet lead these misguided citizens to return to their loyalty, and restore peace to the country ; but if in this we are disappointed, and appeals to their patriotism and magnanimity are unheeded and disregarded, and as a last resort, after all other means have failed, we are driven to arms, let us stand shoulder to shoulder in the cause of our fathers and the preservation of our liberties, both in the council and the field, forgetting all else but that we are citizens of Michigan, and remembering and revering the name of our Washington, under whose guidance our fathers bequeathed us our present legacy ; do our whole duty, trusting to the God of our fathers for a safe deliverance from the perils that surround us.

Your committee submit herewith the following joint resolution, with the recommendation that the same do pass, and ask to be discharged from the further consideration of the subject.

W. T. HOWELL, *Chairman.*

**JOINT RESOLUTION** relative to the state of the Union.

*Whereas*, a portion of the people of the United States are under arms and in open rebellion against the supreme law of the land ; therefore

*Resolved by the Senate and House of Representatives of the State of Michigan*, That the people of Michigan regard the union of the States under the Constitution, as a solemn compact debliberately made by the people *themselves*, and ordained and established as a supreme government with full powers of sovereignty, incapable of transfer, surrender or annihilation. That under the government thus established we deliberately declare—

1. That the State of Michigan will abide by, and enforce all, the provisions of the Constitution of the United States, and discharge all the obligations imposed upon her, by that instrument, as a sovereign State, and as citizens of the United States.

2d. That the guarantee to each State of “a Republican form of government” we recognize as a paramount obligation, and proclaim that we are ever ready and willing to assist in securing to each and every State the full and free exercise of all the



powers, privileges and immunities "reserved to the States respectively, or to the people."

3. That in case of revolution, rebellion, treason or secession, the full power of the federal government to restrain or coerce is supreme and indisputable, to be exercised with firmness, prudence and caution for the purposes of self-preservation.

4. That we regard the present hostile and menacing acts, as the acts of citizens and not of States—denying, unequivocally, the right of any State to give any protection, *as a State*, to any measure or means calculated or intended to subvert the government of the United States.

*Resolved further*, That we approve of every and all measures taken by the general government and its officers *to enforce the laws and collect the revenues of the United States*; and for this purpose we pledge and tender to the President of the United States the whole force and means of the State of Michigan.

*Resolved further*, That we are opposed to offering to or receiving any terms of concession, compromise or capitulation, from citizens under arms and in hostility to the government, holding as our settled conviction, that any accommodations under such circumstances would only encourage a resort to violence and revolution upon all disputed points, and upon the slightest and mere ideal provocations.

*Resolved further*, That we tender to the friends of the Union, without distinction of party, or location of domicil, our best wishes, sympathy and aid; that in the spirit of fraternal friendship we pledge them that Michigan, will not do or suffer any act that shall abridge the rights of the States, or any of them, or of the people, or violate the letter or spirit of the Constitution of the United States.

*Resolved*, That a copy of these resolutions be forwarded by his Excellency, the Governor, to our Senators and Representatives in Congress, and to each of the Governors of our sister States.

The joint resolutions were read a first and second time by their title, when,



On motion of Mr. Morrison,

They were laid on the table, ordered printed in the journal, and made the special order for Wednesday afternoon at 2 o'clock.

By the committee on education :

The committee on education, to whom was referred

A bill to amend an act entitled an act to establish teachers' institutes,

Have ordered me to report the same back without amendment, and recommend its passage and ask to be discharged from the further consideration of the same.

B. L. HILL, *Chairman*.

Report accepted, and committee discharged.

The bill was ordered printed, referred to the committee of the whole and placed on the general order.

By the committee on public lands:

The committee on public lands, to whom was referred the communication of the Secretary of State in reference to the printing of the report of the commissioner of swamp land State roads, on file in his office, respectfully report that they have had the same under consideration, and are of the opinion that it is not of sufficient importance to authorize them to recommend the printing of the same, and therefore have directed their chairman to report said communication back to the House with the recommendation that the report be not printed, and ask to be discharged from the further consideration of the same.

J. C. WATERBURY, *Chairman*.

Report accepted, and committee discharged.

The recommendation of the committee was adopted.

By the committee on State affairs :

The committee on State affairs, to whom was referred that part of the Governors' messages having relation to the apportioning anew the representatives among the several counties and districts of this State, have had the same under consideration and instructed their chairman to report by bill, entitled



A bill to apportion anew the representatives among the several counties and districts of this State,

And they recommend that the same do pass, and ask to be discharged from the further consideration thereof.

A. H. MORRISON, *Chairman.*

Report accepted and committee discharged.

The bill was ordered printed referred to the committee of the whole, and placed on the general order.

By the committee on engrossment and enrollment :

The committee on engrossment and enrollment report as correctly enrolled, signed and presented to the Governor, the following bill :

A bill to provide for the relief of school districts Nos. 1 and 2, of the township of Manchester, in the county of Washtenaw.

L. P. ALEXANDER, *Acting Chairman.*

Report accepted.

MESSAGES FROM THE SENATE.

The Speaker announced the following :

SENATE CHAMBER,  
*Lansing, January 12, 1861.* }

*To the Speaker of the House of Representatives:*

SIR—I am instructed to transmit to the House the following concurrent resolution :

*Resolved,* (the House concurring,) That the committee of the Senate and House of Representatives on the Asylum of the Insane, be empowered to act as a joint committee, and that they have leave to visit said Asylum, examine the same in all its parts, that they may report understandingly to their respective Houses, upon the management and necessities of said institution,

Which has passed the Senate by a majority vote of all the Senators elect, and in all of which the concurrence of the House is respectfully asked.

Very respectfully,

A. B. TURNER,  
*Secretary of the Senate.*



On motion of Mr. Adams,

The House concurred in the adoption of the resolution.

MOTIONS, RESOLUTIONS AND NOTICES.

Mr. Goodrich gave notice that on some future day he would ask leave to introduce

A bill authorizing any township in this State to establish a drainage fund, for the purpose of removing stagnant and impure waters therein.

Mr. Gilbert gave notice that on some future day he would ask leave to introduce

A bill to amend an act entitled an act to authorize the incorporation of bridge companies, approved April 4th, 1851.

Mr. Wheeler gave notice that on some future day he would ask leave to introduce

A bill to repeal (section 628 of compiled laws, being) an act entitled an act to provide against the recovery of damages done by beasts on lands which are not enclosed by a lawful fence, approved March 17, 1847.

Mr. C. Davis offered the following :

*Resolved*, That the House go into committee of the whole tomorrow afternoon at 2 o'clock, on House bill No. 17, being

A bill to provide a military fund and force.

Which was adopted.

Mr. C. Davis gave notice that on some future day he would ask leave to introduce

A bill asking a grant of swamp lands for opening a State road from Muskegon, along or near Muskegon river, via. Newaygo, Big Prairie, Big Rapids, and Middle Branch, to Clam River, in the county of Clare ;

Also,

A bill for a State road from Saginaw, along the Tittibawassee and Chippewa rivers, through the counties of Midland, Isabella and Mecosta, to Big Rapids, on Muskegon river.

By unanimous consent the Speaker announced the following communication :



STATE AGRICULTURAL COLLEGE, }  
Lansing, Jan. 14, 1861. }

*To the Hon. House of Representatives:*

GENTLEMEN:—I have had the honor to receive an official notice of the passage of a resolution by your Hon. Body, inviting me to deliver an address on agricultural education, in the Representative Hall, this (Monday) evening ; with which request I shall be most happy to comply.

Very respectfully,  
L. R. FISK.

Laid on the table.

Mr. Joy gave notice that on some future day he would ask leave to introduce

A bill relative to interest on contracts for money payable elsewhere than in this State.

Mr. Tibbits gave notice that on some future day he would ask leave to introduce

A bill to compel township and county officers, other than collectors, when they pay moneys into the county treasury, to file a duplicate receipt of the same with the county clerk.

Mr. A. W. Davis gave notice that on some future day he would ask leave to introduce

A bill to change the name of the plank road, known by the name of the Algerville and Grand Blanc plank road, running from the town of Grand Blanc, in the county of Genesee, to the village of Holly, in the county of Oakland, incorporated under the general plank road law, in the year 1855, to the name of Grand Blanc and Holly plank road.

Mr. Hemingway, previous notice having been given, and leave being granted, introduced

A bill to provide for the payment of the amount due from the State to the several counties for taxes on the St. Mary's Falls ship canal lands.

The bill was read a first and second time by its title, and referred to the committee on ways and means.

Mr. Tibbits, previous notice having been given, and leave being granted, introduced



A bill to amend sections 9 and 34, of chapter 128, of the compiled laws, relative to the selection and return of jurors.

The bill was read a first and second time by its title, and referred to the judiciary committee.

Mr. Miller, previous notice having been given, and leave being granted, introduced

A bill to amend an act entitled an act to amend certain sections of the primary school law, approved February 15, 1859.

The bill was read a first and second time by its title, and referred to the committee on education.

Mr. Hill, previous notice having been given, and leave being granted, introduced

A bill to provide for compensation for improvements made upon lands sold under legal proceedings, in certain cases.

The bill was read a first and second time by its title, and referred to the judiciary committee.

Mr. Hill, previous notice having been given, and leave being granted, introduced

A bill to amend an act entitled an act for the protection of game in the State of Michigan, approved February 14, 1859.

The bill was read a first and second time by its title, and

On motion of Mr. Hill,

Was referred to a select committee of three, to be appointed by the Speaker.

Mr. Joy, previous notice having been given, and leave being granted, introduced

A bill to confirm deeds and instruments intended for the conveyance of real estate in certain cases.

The bill was read a first and second time by its title, and referred to the judiciary committee.

Mr. Joy, previous notice having been given, and leave being granted, introduced

A bill to enable the Fort Street Presbyterian Church, of Detroit, to hold certain property.

The bill was read a first and second time by its title, and referred to the judiciary committee.



Mr. Wallin, previous notice having been given, and leave being granted, introduced

A bill to provide for publishing the statistics of the State of Michigan, taken by authority of the United States in the year 1860.

The bill was read a first and second time by its title, and referred to the committee on State affairs.

Mr. Pratt, previous notice having been given, and leave being granted, introduced

A bill to provide for contesting the election of county and township officers.

The bill was read a first and second time by its title, and referred to the committee on the judiciary.

Mr. Haire, unanimous consent being given, introduced

A bill to extend the time for the collection of taxes in the township of Holland, in the county of Ottawa.

The bill was read a first and second time by its title, and referred to the committee on judiciary.

Mr. Woodman gave notice that on some future day he would ask leave to introduce

A bill to amend sections 107, of act 247, of the session laws of 1859, relating to township and district libraries.

Mr. Hill gave notice that on some future day he would ask leave to introduce

A bill to lay out and establish a State road from St. Johns, in Clinton county, to St. Charles, in Saginaw county.

Mr. Jones offered the following :

*Resolved*, That the special committee appointed to investigate the memorial of Charles Whittlesey, be authorized to send for persons and papers in said case.

Which was adopted.

Mr. Morrison gave notice that on some future day he would ask leave to introduce

A bill to appropriate the proceeds of what swamp lands have been sold, in the county of Berrien, by the State, for the building



of certain roads and bridges in said county, and for the drainage of swamps therein.

Mr. Wright gave notice that on some future day he would ask leave to introduce

A bill to lay out and establish a State road in Manitou county.

### THIRD READING OF BILLS.

Senate bill, entitled

A bill to repeal act No. 29, of the session laws of 1859,

Was read a third time and passed, a majority of all the members elect voting therefor, by yeas and nays, as follows :

### YEAS.

Mr. Adams,	Mr. Goodrich,	Mr. Ramsdell,
Alexander,	Gregory,	Rankin,
Atwood,	A. L. Green,	Read,
Baker,	N. K. Green,	Shank,
Beamer,	Hadley,	Shanahan,
Blakeslee,	Haire,	W. N. Stevens,
Brownell,	Henderson,	A. Stevens,
Bunce,	Hemingway,	Stewart,
Chase,	Hill,	Stoddard,
Childs,	Hodges,	Strong,
Choate,	Hood,	Taylor,
Cook,	Howell,	Tibbits,
Crego,	Kanouse,	Toll,
Cutcheon,	Kelsey,	Wade,
A. W. Davis,	Miller,	Waterbury,
C. Davis,	Morrison,	Wheeler,
Douglas,	Moore,	T. M. Wilson,
Fallass,	Persons,	J. B. Wilson,
Follett,	Peters,	Winans,
Foote,	Peterson,	Woodman,
Fowle,	Pratt,	Wright,
Gilbert,	Pringle,	Speaker,

66

### NAYS.

0

Title agreed to.

On motion of Mr. Howell,

By a vote of two-thirds of all the members elect, the bill was ordered to take immediate effect.

Senate joint resolution, entitled



Joint resolution relative to the suit of this State against the Phoenix Bank of the city of New York,

Was read a third time and passed, a majority of all the members elect voting therefor, by yeas and nays, as follows :

**YEAS.**

Mr. Adams,	Mr. A. L. Green,	Mr. Rankin,
Alexander,	N. K. Green,	Read,
Atwood,	Hadley,	Shank,
Baker,	Haire,	Shanahan,
Beamer,	Henderson,	W. N. Stevens.
Blakeslee,	Hemingway,	A. Stevens,
Bunce,	Hill,	Stewart,
Chase,	Hodges,	Stoddard,
Childs,	Hood,	Taylor,
Choate,	Howell,	Tibbits,
Cook,	Jones,	Toll,
Cox,	Joy,	Wade,
Crego,	Kanouse,	Wallin,
Cutcheon,	Kelsey,	Waterbury,
A. W. Davis,	Morrison,	Wetherby,
C. Davis,	Moore,	Wheeler,
Douglas,	Persons,	T. M. Wilson,
Fallass,	Peters,	J. B. Wilson,
Follett,	Peterson,	Winans,
Foot,	Pratt,	Woodman,
Fowle,	Pringle,	Wright,
Gilbert,	Ramsdell,	Speaker,
Goodrich,		

67

**NAYS.**

0

Title and preamble agreed to.

On motion of Mr. Shank,

The House then went into committee of the whole on the

**GENERAL ORDER.**

Mr. Morrison in the chair.

After some time spent thereon, the committee rose, and through their chairman reported as follows :

The committee of the whole have had under consideration

1. A bill relative to levies of executions on real estate,

Which they have amended by striking out all after the enacting clause.

Also,



2. A bill to compel the service of process by certain ministerial officers,

To which sundry amendments have been made;

Also,

A bill to amend certain sections of an act entitled an act to establish a House of Correction for juvenile offenders, approved February 10th, 1855, as amended by an act entitled an act to amend certain sections of an act entitled an act to establish a House of Correction for juvenile offenders, approved February ninth, eighteen hundred and fifty-five, approved February 10th, 1857, and to amend section two of said last mentioned act;

From the further consideration of which the committee ask to be discharged.

On motion of Mr. Howell,

The first named bill was laid on the table.

On motion of Mr. Childs,

The House concurred in the action of the committee on the second named bill.

The bill was then ordered engrossed for a third reading.

On motion of Mr. Howell,

The third named bill was referred to the committee on the judiciary.

On motion of Mr. Kelsey,

The House took a recess till two o'clock in the afternoon.

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AFTERNOON SESSION.

2 o'clock P. M.

House met, and was called to order by the Speaker.

Roll called : quorum present.

The Speaker announced the following special committee on the following entitled bill :

A bill to amend an act entitled an act for the protection of game in the State of Michigan, approved February 14, 1859.

Messrs. Hill, J. B. Wilson and Persons.

Mr. Hill asked and obtained unanimous consent to introduce the following :



*Resolved*, That there be printed for the use of the House two thousand extra copies of the journal containing the report, preamble and joint resolutions of the committee on federal relations.

Mr. Gilbert moved the indefinite postponement of the resolution.

Mr. Howell called for the yeas and nays, which were ordered, and the motion to indefinitely postpone prevailed, by the following vote:

YEAS.

Mr. Adams,  
Alexander,  
Atwood,  
Beamer,  
Blakeslee,  
Bunce,  
Choate,  
Cooley,  
Cox,  
Crego,  
Douglas,  
Fallass,  
Follett,  
Fote,  
Gilbert,

Mr. Goodrich,  
Gregory,  
A. L. Green,  
N. K. Green,  
Hemingway,  
Hodges,  
Hood,  
Hurd,  
Jones,  
Joy,  
Kelsey,  
Miller,  
Moore,  
Peters,  
Peterson,

Mr. Piper,  
Pringle,  
Ramsdell,  
Read,  
Shank,  
Smith,  
W. N. Stevens,  
A. Stevens,  
Strong,  
Toll,  
Wade,  
Wallin,  
Wetherby,  
Winans,

44

NAYS.

Mr. Childs,  
Cook,  
Cutcheon,  
A. W. Davis,  
O. Davis,  
Fowle,  
Henderson,  
Hill,

Mr. Howell,  
Kanouse,  
Leetch,  
Morrison,  
Rankin,  
Shanahan,  
Stewart,  
Stoddard,

Mr. Taylor,  
Tibbits,  
Waterbury,  
Wheeler,  
T. M. Wilson,  
Woodman,  
Wright,  
Speaker,

24

Mr. C. Davis asked and obtained the unanimous consent of the House to introduce the following :

*Resolved*, That the special committee on the game laws be requested to report to this House such a bill as will prohibit chasing and worrying deer with dogs or hounds, at any and all seasons ; also, that they be further requested to inquire into, and report, as to the propriety of making all Indians claiming and



exercising the rights of citizens, amenable for any violations of the game law.

Which was adopted.

Mr. A. W. Davis moved that the House adjourn till to-morrow morning at 10 o'clock.

Which motion did not prevail.

On motion of Mr. Beamer,

The House went into committee of the whole on the

GENERAL ORDER.

The Speaker called Mr. Childs to the Chair.

And after some time spent thereon, the committee rose, and through their chairman, reported as follows:

The committee of the whole have had under consideration

A bill to amend section one of an act entitled an act to amend chapter one hundred and fifty of the revised statutes of 1846, it being chapter 175 of the compiled laws, and to authorize the salary of judges of probate,

Which they have amended.

Also,

A bill to authorize appeals to circuit and districts courts from special proceedings before justices of the peace,

To which they have made no amendments;

In all which the concurrence of the House is respectfully asked, and that the committee be discharged from the further consideration of the same.

Report accepted and committee discharged.

On motion of Mr. Pringle,

The amendments to the first named bill were concurred in.

On motion of Mr. Howell,

The bill was then recommitted to the committee on judiciary.

The second named bill was placed on the order of third reading.

On Motion of Mr. Gregory,

The House adjourned till to-morrow morning at 10 o'clock.



*Lansing, Tuesday, January 15, 1861.*

House met pursuant to adjournment, and was called to order by the Speaker.

Prayer by Rev. Mr. Meyers.

Roll called: quorum present.

Absent without leave at roll call, Messrs. Henderson, Kanouse, Leetch.

Mr. Kelsey asked and obtained leave of absence for Mr. Kanouse, for an indefinite period of time, on account of sickness.

Mr. Beamer asked and obtained leave of absence for Mr. Henderson for an indefinite time.

Mr. Tibbits asked and obtained leave of absence for Mr. Leetch for an indefinite time.

PETITIONS PRESENTED.

By Mr. Fallass: petition of J. W. Fallass for an alteration of the law in relation to tax on lands unlawfully assessed.

Referred to the committee on judiciary.

By Mr. Fallass: memorial of the Board of Supervisors of the county of Kent, for a change of the law in relation to salaries of judges of probate.

Referred to the committee on judiciary.

By Mr. Howell: petition of John McCune and 70 others, citizens of Newaygo county, praying for a law giving to lumbermen a lien on manufactured lumber for their wages.

Referred to the committee on judiciary.

By Mr. Waterbury: petition of W. Raymond, Thomas Oldfield and 129 others, citizens of Sanilac county, asking for an appropriation of swamp lands, for the improvement of the Port Sanilac and Tuscola State road.

Referred to the committee on public lands.

By Mr. Hodges: petition of William H. Houck and 31 others, praying for the reduction of one dollar per acre on salt spring lands, to those who are actual settlers, and their reasons therein set forth.



Referred to the committee on public lands.

By Mr. Hodges: petition of James H. Lewis and 25 others, for the same purpose.

Referred to the committee on public lands.

By Mr. Taylor: petition of the board of supervisors of Kent county, asking for the laying out and establishing of a State road, and a grant of swamp land to open the same.

Referred to the committee on roads and bridges.

By Mr. Taylor: petition of the board of supervisors of the county of Montcalm, asking for a State road and an appropriation of swamp lands therefor.

Referred to the committee on roads and bridges.

#### REPORTS OF STANDING COMMITTEES.

By the committee on federal relations :

The committee on federal relations, to whom was referred several joint resolutions on the State of the Union, report the same back to the House without recommendation, and ask to be discharged.

W. T. HOWELL, *Chairman.*

Report accepted and committee discharged.

By the judiciary committee :

The committee on the judiciary have had under consideration

A bill to confirm deeds and instruments intended for the conveyance of real estate in certain cases,

And respectfully report the same back to the House, and recommend that the same be amended by inserting the words "and recorded in the office of the Register of Deeds of the proper county" before the word "shall," in the seventh line of the second section of said bill, and that when so amended the same do pass ; and ask to be discharged from the further consideration thereof.

EUGENE PRINGLE, *Acting Chairman.*

Report accepted and committee discharged.

On motion of Mr. Sessions,

The House concurred in the amendment recommended by the committee.



The bill was ordered printed, referred to the committee of the whole, and placed on the general order.

By the judiciary committee :

The committee on the judiciary have had under consideration

A bill to authorize the Fort Street Presbyterian Church of Detroit to hold certain property,

Respectfully report the same back to the House with a recommendation that the same do pass, and ask to be discharged from the further consideration of the subject.

EUGENE PRINGLE, *Acting Chairman.*

Report accepted and committee discharged.

The bill was ordered printed, referred to the committee of the whole, and placed on the general order.

By the judiciary committee :

The committee on the judiciary have had under consideration

A bill to provide for compensation for improvements upon lands sold under legal proceedings in certain cases,

Respectfully report the same back to the House, with a recommendation that it do not pass, and ask to be discharged from the further consideration of the subject.

EUGENE PRINGLE, *Acting Chairman.*

Report accepted and committee discharged.

On motion of Mr. Howell,

The bill was laid on the table.

By the judiciary committee:

The committee on the judiciary, to whom was referred

A bill to extend the time for the collection of taxes in the township of Holland, in the county of Ottawa, for the year 1860,

Respectfully report that they have had the same under consideration, and that they have prepared certain amendments thereto, which are herewith submitted, and recommend that when so amended the bill do pass, and ask to be discharged from the further consideration of the same.

E. PRINGLE, *Acting Chairman.*

Report accepted and committee discharged.



The House concurred in the amendments reported by the committee.

On motion of Mr. Howell,

The bill was ordered engrossed for a third reading.

By the judiciary committee :

The committee on the judiciary, to whom was referred

A bill to amend sections 9 and 34, of chapter 128, of the compiled laws, relative to the selection and return of jurors,

Respectfully report that they have had the same under consideration, and have proposed certain amendments, which are herewith submitted, and recommend that when so amended the bill do pass, and ask to be discharged from the further consideration of the same.

E. PRINGLE, *Acting Chairman.*

Report accepted and committee discharged.

On motion of Mr. Tibbits,

The amendments made by the committee were concurred in.

The bill was ordered printed, referred to the committee of the whole, and placed on the general order.

By the committee on engrossment and enrollment :

The committee on engrossment and enrollment, report as correctly engrossed,

A bill to compel the service of process by certain ministerial officers.

A. L. GREEN, *Chairman.*

Report accepted.

The bill was placed on the order of third reading.

By the committee on roads and bridges :

The committee on roads and bridges, to whom was referred the petition of Asa M. Sly and others, for the protection of bridges in Sanilac county, would respectfully beg leave to report, that in their opinion the existing laws confer sufficient authority on highway commissioners and supervisors of the county, to meet the wants of the petitioners in the case referred to. Your committee, therefore, refer the same back to the



House without action, and ask to be discharged from its further consideration.

N. K. GREEN, *Chairman.*

- Report accepted and committee discharged.

By the committee on public lands :

The committee on public lands to whom was referred

A bill to amend act No. 117, of the session laws of 1859, being an act entitled an act to provide for the drainage and reclamation of swamp lands by means of State roads and ditches,

Respectfully report that they have had the same under consideration, and directed their chairman to report the same back to the House without amendment, and with the consent of its author offer a substitute, and recommend that the same do pass, and ask to be discharged from the further consideration thereof.

J. C. WATERBURY, *Chairman.*

Report accepted and committee discharged.

On motion of Mr. Howell,

The recommendation of the committee was concurred in.

The bill was ordered printed, referred to the committee of the whole, and placed on the general order.

By the minority of the committee on federal relations:

The subscriber, minority of the committee on federal relations, to whom was referred so much of the messages of Governors Wisner and Blair as refer to the Union, and sundry resolutions on the same subject, respectfully report a series of joint resolutions upon the present crisis.

APPLETON STEVENS.

Report accepted.

The joint resolutions were read a first and second time by their title.

Mr. Gilbert moved to lay the resolutions on the table ;

Which motion did not prevail.

On motion of Mr. Howell,

The resolutions were made the special order of to-morrow afternoon, at 2 o'clock.



## REPORTS OF SPECIAL COMMITTEES.

By the special committee on the game law :

The select committee, to whom was referred

A bill to amend an act entitled an act for the protection of game in the State of Michigan ;

Together with the resolution instructing them to "inquire into and report as to the propriety of making" all Indians, claiming and exercising the rights of citizens, amenable for any violations of the game law, beg leave to report that they have had the same under consideration, and report the bill back to the House without amendment, and recommend that the same do pass, and ask to be discharged from the further consideration thereof.

In reference to the first part of the resolution, the committee would say, the bill contains a provision which they deem sufficient for the purpose sought in the resolution.

Our inquiries as to that part of the resolution in relation to making Indians liable for killing game under the law, have brought us to the conclusion that, to attempt to prohibit the Indians, who obtain their livelihood, to a very great extent, by killing the game prohibited in the game law, (and this includes nearly all of them,) would be at once cruel, unjust, impolitic, and impracticable. *Cruel*, because a large portion of them know of no other mode of subsistence, and but for that mode, would be exposed to extreme want, if not absolute starvation. *Unjust*, because in all of their treaty stipulations the freedom of hunting has been recognized. *Impolitic*, because, if they are not allowed to get a living in that way, to prevent starvation among them, we would be bound by all law, human and divine, to support them at the public or private expense of our citizens. *Impracticable*, because, from the very habits and location, or want of fixed location of these people, it would be impossible to enforce the law ; besides, to attempt to discriminate between "citizen savages" and wild ones, there is too much indefiniteness in our Constitution and laws to enable any man to determine who among the Indians does or who does not, at any given



time, *claim* citizenship ; for scores of them vote without claiming any right to do so, the claim being only set up by interested and unscrupulous persons, for political purposes, who oblige them to vote, without knowing or caring how or for whom, or for what they vote. If it is wrong to exempt any class of citizens from the penalties of the law, the wrong lies not in the *exemption* in the case, but in making these semi-savages citizens.

Your committee, therefore, recommend that the House take no action in relation to the matter referred to in the latter clause of the resolution.

B. L. HILL, *Chairman.*

Report accepted and committee discharged.

The bill was ordered printed, referred to the committee of the whole and placed on the general order.

MESSAGE FROM THE SENATE :

The Speaker announced the following :

SENATE CHAMBER,  
*Lansing, January 14, 1861.* }

*To the Speaker of the House of Representatives :*

'SIR:—I am instructed by the Senate to transmit the following concurrent resolution :

*Resolved*, (the House concurring), That the Senate committee on mines and minerals, and the like committee in the House, be and they are hereby authorized to act as a joint committee,

Which has passed the Senate, and in which the concurrence of the House is respectfully asked.

Very respectfully,

A. B. TURNER,  
*Secretary of the Senate.*

On motion of Mr. Alexander,

The House concurred in the adoption of the resolution.

Also the following :



SENATE CHAMBER,  
*Lansing, January 14, 1861.* }

*To the Speaker of the House of Representatives:*

SIR:—I am instructed by the Senate to transmit the following entitled bill:

A bill to extend the time for the collection of a drain and ditch tax in the townships of Brownstown and Romulus, in the county of Wayne,

Which has passed the Senate by a majority vote of all the Senators elect, and by a vote of two-thirds of all the Senators elect, been ordered to take immediate effect, and in which the concurrence of the House is respectfully asked.

Very respectfully,

A. B. TURNER,

*Secretary of the Senate.*

The bill was read a first and second time by its title, and

On motion of Mr. Tibbits,

Was placed on the order of third reading.

Also the following:

SENATE CHAMBER,  
*Lansing, January 14, 1861.* }

*To the Speaker of the House of Representatives:*

SIR:—I am instructed by the Senate to transmit the following entitled joint resolution:

Joint resolution relative to the reciprocity treaty, of June 5th, 1854;

Which has passed the Senate by a majority vote of all the Senators elect, and in which the concurrence of the House is respectfully asked.

Very respectfully,

A. B. TURNER,

*Secretary of the Senate.*

The joint resolution was read a first and second time by its title, and referred to the committee on federal relations.



## MOTIONS, RESOLUTIONS AND NOTICES.

Mr. Goodrich gave notice that on some future day he would ask leave to introduce

A bill for appropriating all unsold and unappropriated State swamp land in the county of Eaton for draining the same.

Mr. Gilbert gave notice that on some future day he would ask leave to introduce

A bill to apportion anew the Representatives among the several counties and districts of this State.

Mr. A. L. Green gave notice that on some future day he would ask leave to introduce

A bill to change the name of T. D. Green to T. D. Slosson.

Mr. Stoddard gave notice that on some future day he would ask leave to introduce

A bill to provide for laying out and constructing a State road in the northern portion of Tuscola county.

Mr. Cutcheon offered the following :

*Resolved*, That the use of this Hall be granted to the Superintendent of Public Instruction on one evening of each week, when not otherwise occupied by the House, for the purpose of discussing educational subjects.

Which was adopted.

Mr. Wallin offered the following :

*Resolved*, That the committee on judiciary be requested to inquire if further legislation is necessary to insure the better discharge of their duties by township officers, especially those in connection with the township board, and to report by bill or otherwise.

Which was adopted.

Mr. Baker gave notice that he would ask leave, on some future day, to introduce

A bill for the relief of school district No. 3, of Portland, Ionia county.

Mr. Kelsey offered the following :

*Resolved*, That the committee on printing be instructed to



cause to be printed, two thousand copies of the address delivered in this Hall last evening by Prof. Fisk, for the use of the officers and members of this House.

Which was adopted.

Mr. Gilbert, previous notice having been given, and leave being granted, introduced

A bill to amend an act entitled an act to authorize the incorporation of bridge companies, approved April 4, 1851.

The bill was read a first and second time by its title, and referred to the committee on banks and incorporations.

Mr. Taylor, unanimous consent being given, introduced

A joint resolution relative to slavery in the territories of the United States ;

Which was read a first and second time by its title, and referred to the committee on federal relations.

Mr. Tibbits, previous notice having been given, and leave being granted, introduced

A bill requiring township and county officers, other than collectors, to file a duplicate receipt with the county clerk, of all moneys paid by them into the county treasury, and of the duties of the county clerk in relation thereto.

The bill was read a first and second time by its title, and referred to the judiciary committee.

Mr. Woodman, previous notice having been given, and leave being granted, introduced

A bill to amend section 107, of an act entitled an act to amend certain sections of the primary school law, approved February 15, 1859, relating to township and school district libraries.

The bill was read a first and second time by its title, and referred to the committee on education.

Mr. Cook, unanimous consent being given, introduced

A joint resolution relative to pensions,

Which was read a first and second time by its title, and referred to the committee on federal relations.



## THIRD READING OF BILLS.

House bill, entitled

A bill to compel the service of process of certain ministerial officers,

Was read a third time and passed, a majority of all the members elect voting therefor, by yeas and nays, as follows:

## YEAS.

Mr. Adams,	Mr. Goodrich,	Mr. Sessions,
Alexander,	Gregory,	Shank,
Atwood,	Hemingway,	Smith,
Baker,	Hill,	W. N. Stevens,
Beamer,	Hodges,	A. Stevens,
Blakeslee,	Hood,	Stewart,
Brownell,	Howell,	Stoddard,
Bunce,	Hurd,	Strong,
Chase,	Jones,	Taylor,
Childs,	Joy,	Tibbits,
Cook,	Kelsey,	Toll,
Cooley,	Miller,	Wade,
Cox,	Morrison,	Wallin,
Crego,	Moore,	Waterbury,
Cutcheon,	Persons,	Wetherby,
A. W. Davis,	Peterson,	Wheeler,
C. Davis,	Phelps,	T. M. Wilson,
Douglas,	Piper,	J. B. Wilson,
Fallass,	Pratt,	Winans,
Follett,	Pringle,	Woodman,
Foote,	Ramsdell,	Woodward,
Fowle,	Rankin,	Wright,
Gilbert,	Read,	Speaker,

## NAYS.

Mr. Choate,	Mr. Chapoton,	2
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Title agreed to.

House bill, entitled

A bill to authorize appeals to Circuit and District Courts from special proceedings before justices of the peace,

Being under consideration,

Mr. Howell moved to recommit the bill to the committee on judiciary with instructions to report an amendment prohibiting such appeal in case of the law prohibiting the sale of liquors.

Which motion prevailed.



Senate bill, being

A bill to extend the time for the collection of a drain or ditch tax in the townships of Brownstown and Romulus, in the county of Wayne,

Being under consideration,

On motion of Mr. Howell,

Was recommitted to the committee on judiciary.

On motion of Mr. Howell,

The House went into committee of the whole on the

GENERAL ORDER,

Mr. Sessions in the chair.

After some time spent thereon, the committee rose and through their chairman reported as follows:

The committee of the whole have had under consideration

1st. A bill to provide for the collection and return of taxes by township treasurers in newly organized counties,

Which the committee have amended by striking out section 2.

2d. A bill to amend section 4 of an act entitled an act supplementary to an act to define the limits, jurisdiction and powers of circuit courts, approved April 8, 1851; and to repeal an act supplementary to said act, approved June 27, 1851, which act, hereby amended, was approved February 16, 1853; being section 3438 of compiled laws,

Which the committee report back to the House without amendment.

3d. A bill to repeal an act entitled an act to prevent the adulteration of alcoholic liquors, and to punish all persons who shall sell or offer to sell adulterated liquors and other adulterated beverages,

Which the committee have amended.

4th. A bill to provide for the incorporation of associations for the publication of books, tracts, documents and other matters of a religious, historical, literary or educational character,

Which the committee have amended.

5th. A bill to transfer the general supervision and government



of the State Agricultural College from the State Board of Education, to a State Board of Agriculture,

Which the committee report back to the House with the recommendation that it be referred to the judiciary committee.

Report accepted and committee discharged.

On motion of Mr. Pringle,

The House concurred in the amendments to the first, third and fourth named bills, in gross, and said bills were ordered engrossed for a third reading.

The second named bill was placed on the order of third reading.

The recommendation of the committee upon the fifth named bill was adopted, and the bill referred to the judiciary committee.

Mr. Howell moved to reconsider the vote by which

A bill to provide a military force and fund,

Was made the special order in committee of the whole for this afternoon at 2 o'clock.

Which motion prevailed.

Pending the question of the adoption of the resolution,

On motion of Mr. A. Stevens,

The House adjourned till to-morrow morning at 10 o'clock.

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*Lansing, Wednesday, January 16, 1861.*

House met pursuant to adjournment, and was called to order by the Speaker.

Prayer by Rev. Mr. Vibbert.

Roll called : quorum present.

Absent without leave at roll call, Messrs. Cooley, Pratt, and Winans.

Mr. Hill asked and obtained leave of absence for Mr. Pratt for an indefinite period.

PETITIONS PRESENTED.

By Mr. Pringle: remonstrance and statement of the directors



of the Jackson and Michigan plank road company, against the repeal of the charter of said company, and petition for relief.

Referred to the committee on the judiciary.

By Mr. Lockwood: petition of 51 ladies of Detroit, members of the Ladies' Christian Union, for a reform school for girls.

Referred to the committee on education.

By Mr. Woodman: petition of S. B. Morehouse and 215 others, asking for an act to provide for the levying of a special tax in certain townships in Van Buren and Allegan counties, to improve the harbor at the mouth of the South Black river, in Van Buren county.

Referred to the committee on harbors.

By Mr. Taylor: petition of Benjamin Fairchild, Silas Dunham, and 98 others, citizens of this State, for a State road from Muskegon to the head of navigation of the Saginaw river.

Referred to the committee on public lands.

By Mr. ———: petition of O. Stevens and 38 other citizens of St. Joseph, Berrien county, praying for the enactment of a law providing for the election of county superintendents of schools.

Referred to the committee on education.

By Mr. Joy: petition of the St. Mary's Falls Ship Canal Company, asking such action as will cause an adjustment of its claim against the State.

Referred to the committee on judiciary.

By Mr. Jones: petition of the clerk and board of supervisors of the county of Cass, praying for an amendment of the so-called liquor law.

Referred to the committee on judiciary.

By Mr. Jones: petition of the supervisors and county officers of Cass county, praying for an amendment of the statute so that fines, forfeitures and recognizances, may be paid to the general or poor fund of the counties.

Referred to the committee on judiciary.



## REPORTS OF STANDING COMMITTEES.

By the committee on federal relations :

The committee on federal relations to whom was referred Senate joint resolution relative to the reciprocity treaty of June 5th, 1854, have instructed me to report the same back to the House without amendment, and recommend their passage, and ask to be discharged.

W. T. HOWELL, *Chairman.*

Report accepted and committee discharged.

On motion of Mr. Howell,

The resolutions were placed on the order of third reading.

By the majority of the committee on banks and incorporations:

The majority of the committee on banks and incorporations, to whom was referred

A bill to amend act No. 129, of the session laws of 1859, relative to the charter of the city of Detroit,

Respectfully report that they have had the same under consideration, and are of the opinion that the said act, No. 129, in authorizing and empowering each of the wards in said city to be represented by two votes and one-tenth of a vote at all sessions of the board of supervisors of Wayne county, does operate prejudicial to the interests of a majority of the tax-payers of said county, and is establishing a bad precedent, we do, therefore, report the bill back without amendment and recommend its passage, and ask to be discharged from the further consideration of the same.

O. S. GREGORY,  
JAMES FOWLE,  
G. E. READ.

Report accepted.

On motion of Mr. Lockwood,

Leave was granted to the minority of the committee to report upon the same subject.

The following is the minority report of the committee on banks and incorporations :



The undersigned, a minority of the committee upon banks and incorporations, have been unable to agree with the majority of the committee to report favorably

A bill to amend act No. 129, of the session laws of 1859, relative to the charter of the city of Detroit, approved February 12, 1859,

And are of opinion that the same ought not to pass, for the reasons hereinafter set forth.

The act referred to gives to the assessor of the city of Detroit, and to each of the ten aldermen of the ten several wards, the powers of a supervisor in all the meetings of the board of supervisors for the county of Wayne, thus giving to the city upon that board a representation of 21 members. This bill proposes to reduce that representation to one alderman from each ward and the city assessor, making 11 in all from the city. The remainder of the county is divided into 18 towns, having 18 supervisors.

The population of the city, according to the recent census, is, in round numbers, 46,000; that of the country towns, 29,000. The assessed valuation of the city, according to the Auditor General's report, is \$15,765,510; that of the country towns, \$4,600,473. The census returns, according to the same report, show true valuation one-third higher in each case.

If, upon this state of facts, any change is to be made, it may be material to inquire upon what considerations, and for what reasons it should be made. If made upon the basis of population, as between the city and the country, the city would get 28 supervisors instead of 21; if upon the basis of assessed valuation, the number would be increased to 61 in the city.

It is urged that each ward ought to have but one supervisor. Our predecessors thought differently, and have left the law as we find it. Sec. 7, of article 10, of the constitution, provides that "cities shall have such representation in the board of supervisors of the counties in which they are situated as the Legislature may



direct," under which the practice has not been uniform, and the undersigned see no reason why it should be.

It is alleged that injustice has been done to the country towns in the equalization of assessments, but this does not clearly appear. The aggregate assessments are much less than in most of the old counties of the State in proportion to the population, and hence the undersigned cannot believe that any very flagrant wrong has been inflicted.

Believing that no good reason can be offered for the change proposed, and conceiving it to be unjust, inequitable, and undemocratic, the undersigned recommend that the bill returned do not pass.

All of which is respectfully submitted.

EUGENE PRINGLE,  
THOS. D. GILBERT.

Report accepted.

Mr. Tibbits moved that the bill be ordered printed, referred to the committee of the whole, and placed on the general order.

Which motion prevailed.

By the committee on banks and incorporations :

The committee on banks and incorporations have had under consideration,

A bill to amend an act entitled an act to authorize the incorporation of bridge companies, approved April 4th, 1851, by adding two sections thereto,

Respectfully report the same back to the House without amendment, and recommend that the bill do pass, and ask to be discharged from the further consideration of the same.

E. PRINGLE, *Chairman.*

Report accepted and committee discharged.

The bill was ordered printed, referred to the committee of the whole, and placed on the general order.

By the committee on State affairs :

The committee on State affairs, to whom was referred

A bill to provide for publishing the statistics of the State of



Michigan, taken by authority of the United States, in the year one thousand eight hundred and sixty.

Respectfully report that they have had the same under consideration, and directed their chairman to report the same to the House without amendment, and recommend that the same do pass, and ask to be discharged from the further consideration thereof.

A. H. MORRISON, *Chairman.*

Report accepted and committee discharged.

Mr. Wallin moved that the bill be placed on the order of third reading;

Which motion did not prevail.

The bill was ordered printed, referred to the committee of the whole, and placed on the general order.

By the judiciary committee:

The committee on the judiciary, have had under consideration

A bill to authorize appeals to circuit and district courts from special proceedings before justices of the peace,

And respectfully report an amendment thereto in accordance with the instructions given by the House, but recommend that the amendment be not concurred in, and that the bill returned do pass without amendment, and ask to be discharged from the further consideration of the same.

E. PRINGLE, *for the Committee.*

Report accepted, and committee discharged.

Mr. Childs moved that the House concur in the amendment made by the committee ;

Which motion did not prevail.

Mr. Pringle moved to place the bill on the order for third reading.

Mr. Howell moved to amend by recommitting the bill to the committee of the whole.

The amendment was accepted, and the motion to recommit prevailed.

By the judiciary committee :

The committee on the judiciary have had under consideration



A bill to amend certain sections of an act entitled an act to establish a House of Correction for juvenile offenders, approved February 10th, 1855, as amended by an act entitled an act to amend certain sections of an act entitled an act to establish a House of Correction for juvenile offenders, approved February ninth, eighteen hundred and fifty-five, approved February 10th, 1857, and to amend section two of said last mentioned act;

And respectfully report the same back to the House with certain proposed amendments submitted herewith, and recommend that when so amended, the bill do pass, and ask to be discharged from the further consideration of the same.

E. PRINGLE, *for the Committee.*

On motion of Mr. Sessions,

The House concurred in the amendment made by the committee.

The bill was then ordered printed, as amended, referred to the committee of the whole, and placed on the general order.

By the committee on education:

The committee on education to whom was referred

A bill to amend an act entitled an act to establish graded and high schools,

Having had the same under consideration, direct me to report the same back without amendment, and recommend its passage, and ask to be discharged from the further consideration of the same.

B. L. HILL, *Chairman.*

Report accepted and committee discharged.

The bill was ordered printed, referred to the committee of the whole, and placed on the general order.

By the majority of the committee on elections:

Your committee, to whom was referred the memorial of Hon. Henry Raymond, of Bay county, contesting the seat in this House of Hon. Appleton Stevens, of said county, respectfully ask leave to report that they have had the subject under consideration, and have instructed me, as their chairman, to report that they have considered certain affidavits and the depositions of



sundry individuals who have been sworn before the committee, a memorandum of whose testimony is hereto annexed, with said affidavits, and find that at the election held in November last, Appleton Stevens received, in the county of Bay, 334 votes, and Henry Raymond 295 votes, making Stevens' majority 39; that of the 334 votes received by Mr. Stevens, 41 in the township of Arenac, and 4 in the township of Bangor, were given by Indians; that these Indians in the township of Arenac were, at the time of said election, members of a tribe, to wit: of the Saginaw band of the Chippewa tribe, for the most part uncivilized, without fixed habitation, dressing mostly like savages; that their agriculture is but little different from that which prevailed at the first settlement of the country by whites; that they acknowledge a principal and several minor chiefs; that they came to the polls not as civilized men, but as savages, and there publicly acknowledged allegiance to chiefs, and were probably paid for voting the ticket upon which was Mr. Stevens' name.

Your committee have not positive proof that the 4 Indian votes cast in the town of Bangor were cast for Appleton Stevens, but the evidence in their minds is conclusive that they were illegal, and that they were cast for said Appleton Stevens. The 41 Indian votes cast in Arenac, are, in the judgment of the committee, clearly illegal, and ought to be deducted from the votes canvassed for Appleton Stevens, which will reduce the vote in his favor to 298, and give Mr. Raymond two majority.

Your committee therefore recommend the granting of the prayer of the said memorial, and Mr. Raymond be entitled to a seat in this House now held by Mr. Stevens.

All of which is respectfully submitted, with the accompanying papers and evidence, together with the opinion of the late Attorney General Howard, and your committee ask to be discharged from the further consideration of the subject.

H. C. HURD, *Chairman.*

P. S. After this report was completed, Mr. Stevens received sundry affidavits which were objected to by Mr. Raymond, but



by consent of the parties are submitted to this House with the other papers and affidavits.

Your committee would take this opportunity, in view of the gross frauds committed in our elections, to recommend the passage of a more stringent law than now exists on our statute, for the punishment of fraud and bribery in elections.

All of which is respectfully submitted, with the accompanying papers and affidavits, and your committee ask to be discharged from the further consideration of the same.

H. C. HURD, *Chairman.*

Report accepted.

On motion of Mr. Howell,

Leave was granted the minority of the committee to report.

The following is the minority report of the committee on elections :

The undersigned from the committee on elections, to which was referred the memorial of Henry Raymond, contestant for the seat now held by Appleton Stevens, as member of this House from the county of Bay, ask leave to report, that we have examined the allegations and evidence of the parties contestant, with the following result :

The canvassers' statement shows that the sitting member received a majority of thirty-nine of the votes actually polled, and was thereby elected. The contestant seeks to avoid the election only on the ground that votes were given for the sitting member in number larger than his majority, by Indians who were not "civilized persons of Indian descent, not members of any tribe." The contestant assumes the burden of proof and undertakes to show, that at least forty such illegal votes were given against him, and for the sitting member, in order to entitle him to be regarded as elected. For this purpose, he introduces affidavits of certain individuals, which affidavits the sitting member holds as *ex parte*, and not binding as proof, being taken without process of law, as provided in the laws of Michigan—compiled laws, page 1171, where, in section 4270, it is provided that "depositions may be taken, in the manner



and according to the regulations provided in this act, to be used before any magistrate or other persons authorized to examine witnesses," and so depriving him of his right to cross-examination. The committee overruled the objection and received the affidavits as testimony, as they said, "for what it was worth." Whether the House receive that class of testimony or not, we expect to show that even if they would otherwise be legal, they are *false upon their face*, and contradicted by the contestant's own witness, Mr. Benjamin F. Partridge, who testified in person before the committee.

But the contestant has undertaken to prove, first, that certain Indians who voted in the town of Arenac, in Bay county, were not civilized, and in proof introduces the *ex parte* affidavit of Thomas Westfall, who deposes that a large number of Indians voted in Arenac, and that "said Indians live almost entirely by hunting and fishing."

Eleven residents of Bay county depose *ex parte* that they "have seen the Indians who live in the county of Bay, at Bay City, and that their general reputation is that they live by hunting and fishing."

Benjamin F. Partridge testifies that he was at the polls at Arenac, all day; that he did not go there to electioneer, but to see to his own interest, being the Republican candidate for County Surveyor, and all the Indians (41) who voted, voted for him; that he is acquainted with Na-gon-wa-we-dung, who is one of them, and he conforms to the Indian customs; also Daniel Hall, who conforms to the Indian customs as much as any of them; also Elliott Kaba, who he says is son of a chief, and has a log house that he lives in part of the time; he had on pants, an Indian blanket and moccasins; Daniel Kaba, also one of them, has a house, but only occupies it part of the time; has seen him have on pants and a coat. Thomas and Peter Sagto and Me-ge-ne-ne are equal, She-bau-ge-zick, George Ta-wa-gonce, Benjamin Ca-ba-as-sa, John Ca-ba-on-quet, Peter Wa-tum and Peter Baldwin are inferior, and Au-te-go-na-bee is a chief, and superior in intelligence and advancement.



To guard the House against being misled by generalities with which the evidence abounds, we insert here what the same witness said when testifying generally, showing by the comparison also what injustice he thus inadvertently perpetrated upon all those excellent citizens he has just spoken so well of. He says: "they live by hunting and fishing; use no chairs or other domestic furniture, and no domestic animals but ponies; dress in blankets, leggings and moccasins; bake their bread in the ashes, or by putting the dough around a stick and turning it before the fire, and live in tents and bark camps."

But on the part of Mr. Stevens, Rev. George Bradley testifies before the committee, in person, that from fifteen years association with them as a Missionary preacher, he is acquainted with every Indian named by Mr. Partridge, and knows by personal observation that Daniel Hall is a gentleman and a scholar, and that all the others are fully and in every way his equal.

He says further that all these and many others, in the town of Arenac, live in comfortable houses, furnished with tables and chairs, and things to eat as good as many white folks, and bake good bread in ovens; that a good many of them can write a better hand than he had seen any gentleman, member of this Legislature, perform; that some of them have frame houses; the identical Kaba lives at Passaigoning, in the town of Arenac, in a good frame house with a carpeted sitting room in it; he says it is a good place to stay, and that at that same place there are twelve to fifteen log houses, hewed down smooth and shingled, with glass windows and clapboarded gable ends. Some of them, he adds, are not equal to this description, and some live in camps and tents, but even at River O'Gray, the least improved neighborhood in all Arenac, the most of them can speak English well, up to middle age. He thinks they have had schools kept some part of the time every year, since 1846 or 1847, and they also keep a good many cows and young cattle. Baldwin and Bourrassa told Mr. Bradley that they had both been warned out to work their poll and property highway tax,



and had worked it out, a thing no white man that we know or can hear of, has done in the town of Arenac.

One more Indian we will name at this point; it is Tawas, who has told Mr. Bradley that he is a hundred years old; served the United States in the war of 1812, was present at Hull's surrender at Detroit, and was so mad he has never got over it.

Rev. W. H. Brockway knows by name, as he testifies before the committee in person, ten of the Indians named by Mr. Partridge, and cordially endorses Mr. Bradley's statements, adding that Baldwin is a very civilized man, educated at Berea, in Ohio, a good speaker and preacher. We consider it entirely unnecessary for us to say more in vindication of the claims of the Indians to civilization, patriotism and good citizenship. The Constitution uses the term Indian descent, so as to include part blood Indians—not to *exclude* full bloods. For a person of purely Indian descent could not in human nature help being an Indian, if he was ever so civilized.

But the contestant undertakes to show, secondly, that no less than 40 of those Indians belong to a tribe.

The only ghost of evidence in the whole array is the *ex parte* affidavit of John Melvin, wherein, in speaking of the Indians who voted in Arenac, he deposes that "said Indians were sworn, and claimed they were members of a tribe," but it appears from Mr. Partridge's testimony in person before the committee, that only a part of them were sworn. Mr. Melvin does not say what tribe they belong to, or what was the nature of their connection with a tribe.

Mr. Partridge was present at the polls all day, and heard all of them sworn that were sworn, and the only one that said any thing about it was Tawas, who said he was *Chief*. These Indians own real estate, the title to which they hold by patent from the United States government, and can dispose of it at pleasure. The tribal government recognizes no such right to individual ownership and control. All such disqualifying tribal organizations were legally dissolved by the treaty of 1855, and



"practically dissolved," as Mr. Brockway testifies, by carrying out its provisions. We hold it at least reasonably certain that Indians who are highly civilized, as fourteen at least are, who are designated by name from the poll list in the testimony of Mr. Bradley, who own land and control it with other property, paying taxes to this State upon it, and legally and practically free from all allegiance or obedience to any Chief, are "not members of any tribe." It is said that ex-Attorney General Howard once expressed the opinion that acknowledging a *Chief* was a disqualification.

A paper purporting to be such *legal opinion* is among the evidence in this case. Attorney General Upson wrote an opinion which also *was* among the evidence, but was withdrawn by the contestant as unfavorable to his claim. The purport of it was that no such thing as a tribe could exist under the treaty; that they were not voters simply by being "not members of any tribe," but they must also be civilized. The only statements offered as evidence that they acknowledge a chief, are the *ex parte* statements of Pelkie, that the Indians in the town of Arenac "acknowledge Nank chig-ome as their chief," of William S. Patrick, "that two of them claimed to be head men, and that the other Indians acknowledged them to be such head men." In what manner, or under what circumstances, he does not say, and eleven residents of Bay county, who depose (*ex parte*) that their "*general reputation* is that they acknowledge a chief." According to the testimony of Mr. Partridge, who was at the polls all day, only part of them said anything about it, all that he could be persuaded to say, after very close questioning, by the contestant, was that "Tawas was sworn, and said he was chief."

He did say that that venerable patriot who fought our battles half a century ago, and was betrayed into the hands of a remorseless foe by our General "was kept upon the stand a long hour" by challengers, who will never know so much of their country's history as Tawas carries on his wampum belt, and communicates to his numerous descendants in words of enrap-



turing eloquence unknown to the Anglo saxon tongue, before they would permit him to exercise the right of suffrage, and make his choice whether he would have Mr. Stevens or Mr. Raymond to represent the county, (all of which was justly his own property, and which he had magnanimously permitted those challengers to make their homes out of pity for their destitute and homeless condition,) on the floor of this House.

Mr. Partridge further testified that the town of Arenac comprises sixteen townships of territory, and contains more than one hundred Indian men over twenty-one years of age. Is it reasonably certain that eleven men who live at Bay City, thirty miles from Arenac, or that Mr. Westfall, who lives in the town of Arenac, or even Antoine Pelkie, whose wife is an Indian woman, can be so familiar with every individual Indian in sixteen townships of primeval forest, occupied by three times the number of adult Indian men that voted, and twenty times the number necessary to elect the sitting member, as to be able to say that each individual, by name, is a savage, and member of a tribe? Not one of them has pretended to do it.

Our opinion is, that evidence enunciated in such general terms as *the Indians*, the Saginaw bands of Indians, or *the Indians* in the town of Arenac, which is the most positive and pointed statement used, cannot be soundly held to include every particular Indian in that whole territory. If any Indian whose name is in the poll list is distinctly recognized as known to a witness to be a member of any tribe, contrary to the terms of his treaty, then he should be excluded; but no such case occurs. Fourteen, at least, are distinctly recognized by fifteen years intimate acquaintance with Mr. Bradley, and ten by twenty-five years acquaintance with Mr. Brockway, that are first class citizens anywhere, without any legal or practical connection with any tribe. Mr. Partridge testified that Tawas said he was chief of that band. Mr. Raymond asked him the question if a tribe did not consist of bands, and he answered that it did. The most, therefore, that can be made out of the whole mass of testimony, is, that perhaps a part of the Indians



in Arenac belong to bands. If they are tribes, they must be very weak ones, for no less than four—Nankchigome, Antogonabee, Peter Watum and Tawas—are said to be chiefs!

The fact is, that these men were formerly chiefs of bands, and a part of the people, formerly belonging to some of the bands, are not sufficiently conversant with commercial intricacies to venture to conduct their business relations with the United States government, and so these persons who were formerly chiefs, now act as agents for the others in those matters only, and are called chiefs by the government, as well as by the Indians, instead of agents; but according to Mr. Bradley's explanation of their method of transacting such business, it is so far from chiefship, in the primitive Indian sense, (in which sense the chief could bargain, in all respects, so as to bind his people without their consent,) that they have not even the power of an attorney, but every individual must sign his own name with his own hand when he receives any pay from Government, and is simply vouched for by the so-called chief or agent, so as to prevent him from drawing pay more than once.

In all the evidence, no person has said that any Indian, or set, or class of Indians, acknowledged a chief any more positively than the two Patricks did that they voted the democratic ticket, which it is clearly proved they did not.

But the contestant undertakes to show, 3d, that as many as forty of those Indians voted for the sitting member, and therefore introduces the ex-parte affidavit of Scott W. Sayles, wherein it is deposed that four Indians voted, in the town of Bangor, whose names were not duly registered, and "*he has no doubt they voted the democratic ticket.*" We think it is not proved that those four Indians voted for Mr. Stevens, even if the ex-parte nature of the affidavit is not considered; for George F. Patrick deposed (ex-parte) that the Indians who voted in Arenac "*stated* that they voted the democratic ticket," and William S. Patrick deposed (ex parte) that "*Perit compelled them to vote the democratic ticket,*" but Mr. Partridge testified in person before the committee that he was at the polls in Arenac



all day, and that the Indians did not vote the entire democratic ticket, but certainly voted for the witness, and for aught he knows, some of them voted for Mr. Raymond. He had a better chance to know than Mr. Sayles, for Mr. Sayles was a member of the Board of Inspectors, and Mr. Partridge was attending exclusively to his party interest, and had leisure to watch how people voted.

In proof that certainly 40 Indians voted for the sitting member in Arenac, Mr. Partridge testifies that 41 Indians voted there, and he has no means of knowing whether any one of them voted for Mr. Stevens, or Mr. Raymond. It is true that William S. Patrick, George Patrick, John Melvin, David Sherman, John S. Sherman, Oliver B. Beach, George Palmer, Joseph Fox, John S. Wilson, S. P. Havens, John Major, William Smith, Edward Oates, Samuel M. Wilson, Benjamin Tabasa, George Washton, and James Roberts, 17 in all, depose (*ex parte*) that they voted in Arenac for Henry Raymond, and Mr. Partridge swore that Lorango Jenny so voted, which makes out the 18 votes which Mr. Raymond had, in that town, by the canvassers' statement.

Here, then, (if the *ex parte* nature of the evidence to prove 17 of them is not considered,) we have the names of all the men who supported the contestant in that town.

They *may* be white men, but if they are, it is not in evidence before the committee! Every one of them may belong to that savage race of which the poet sung—"Lo! the poor Indian." If they are white men, they are such as the Indian referred to when he said, "white men very onsartin." Not one of them has deposed that he was a white man, and no witness has sworn that a single one of them was. Seventeen of them have indeed deposed that they were legal voters, and the Indians also swore to the same when they were challenged at the polls.

But this is not all. It is certain that they are *not* all white men. Since the testimony before the committee was closed, the sitting member has received a copy of the poll list from the town of Arenac, and certain affidavits, which evidence the com-



mittee have received by consent of the contestant. The affidavits are *ex parte* like the others, but the poll list is duly certified, by the Supervisor of the town, to have been truly copied by him, and he has marked each name so as to distinguish between white men and Indians. By that list, George Washton is an Indian ! and Mark D. Bourrassa and Peter Watum depose *ex parte*, that he is an Indian. The name of Benjamin Tabasa does not occur in the list, and no Benjamin, except Benjamin Ca-ba-sa, who is marked as an Indian, deposed to be an Indian by Bourrassa and Watum, and sworn to be an Indian by Bradley, Brockway and Partridge. The name of James Roberts does not occur in the list, but in the contestant's copy, certified to be a true copy by the town clerk, it occurs as number 62. In the other copy, number 62 is Loo-wa-way-shing, an Indian.

Mr. Partridge swore that forty-one Indians voted in Arenac, and twenty-one white men and two half-breeds. Daniel Williams, John Lantz, James Mackin, John W. Whiting, Lewis McNeil, and George Law, have made affidavits (*ex parte*) that they are white men, and voted for Stevens, and Mark D. Bourrassa and Bernard Bourrassa, that they are half-breeds, and voted for Stevens. Here are the two cross bloods and six white men. 18 and 6=24, and there were but twenty-one white men.

It is now apparent that the contestant took those affidavits *ex parte* from choice, and for the purpose of imposing the names of Indians upon this House as those of white men, and that he studiously and craftily neglected to have any of them depose that they were white men, or to allow any witness to swear to it, judging with great sagacity that the committee, good honest souls, would take it for granted that they were all alike, white men, if the testimony, upon this point, was all alike silent.

And here we rest that our promise in the begining of this report to show that this *ex parte* evidence was *false upon its face*, for where good evidence should contain the whole truth, this does not set forth enough to entitle it to the dignity of even *ex parte* evidence; for *ex parte* means on one side, and this does less than that, and is really no more than in part *ex parte*.



The contestant alleges that those 18 voters were scattered over 16 townships of territory, and he had to employ an officer to go around with him to find them, and could' by no means inform the sitting member when, where, and of whom he was to take testimony.

This difficulty we hold to be the misfortune of the contestant, and not of the sitting member.

The fact is, that three Indians voted for Raymond, and 39 for Stevens; exactly the majority by which he is elected. Now, throwing out all the Indians, 39 from Stevens' vote, and 3 from Raymond's, and Stevens is elected by 3 majority. Mr. Raymond, however, is not unprepared for this emergency, for here comes the affidavit of Mr. Sayles concerning the 4 Bangor Indians.

Our apology is due to the House for introducing *arguments* into this report to show the insufficiency of that testimony, and it is this: that although the committee took it, as they did all of the *ex parte* class of evidence, "for what it was worth," they decided that Mr. Sayles' affidavit—notwithstanding the *ex parte* nature of it, and notwithstanding he does not pretend to know who they voted for—that "it was worth" enough to unseat a member of this House! We do not believe this House will value it as high, if they take it at any price.

If they do, the question will recur upon the legality or illegality of the votes of all those Indians; for if the Bangor Indians voted for Stevens, and the Indians are all thrown out, then Raymond has a clear majority of one. The three Indians who voted for him all depose that they were legal voters, and their names are ranked by all the witnesses among the first class of citizens; and no less than eleven others, who actually voted for Stevens, are equally respectable.

The vote of Peter Wa-tum, who deposes that he is no chief and acknowledges no chief, and Peter Baldwin's vote, give Stevens a majority of one, and Baldwin is a man who was educated in the very centre of civilization, is a profound scholar, a brilliant orator, and an eminent divine. But to still further



satisfy the house that a large number of those were legal voters in the strictest sense of the term, Julius B. Hart and Barzelius B. Hart, of Bay City, Indian traders, depose (*ex parte*) that they are well acquainted with the Indians in the town of Arenac, describe them the same as witnesses Bradley and Brockway, and say that no tribal relations whatever exist among them to their knowledge. Mark D. Bourrassa, a cross-blood, of Arenac, deposes (*ex parte*) that he knows twenty-six of the Indians who voted, in that town, for Stevens, and whose names he gives, corresponding with the poll-lists, and describes as farmers, making agriculture their principal business, and eight of whom can read and write, and positively, as of his own knowledge, that no tribal relation has existed there since 1855.

And Peter Wa-tum deposes (*ex parte*) that he is an Indian, and resides in the town of Arenac, and has for twenty years—corroborates Bourrassa as to twenty-two that are farmers, and that can read and write; and says there has no tribal relation existed among them since 1855; that those who were formerly chiefs, exercise no authority as such; that all the Indians who voted in Arenac are civilized, and that not one of them belongs to any tribe or *band* whatever; that he was formerly a chief, but neither claims nor exercises any such right, and has exercised no such authority since 1855.

The conclusion is unavoidable to us, that those Indians were legal voters, and we hope the House will not deprive Mr. Raymond of the benefit of the three Indian votes which he received, for he will probably never receive another; or if he does, we will then believe that the Indian who gives it ought not to be a legal voter.

We, therefore, reminding such members, if there are any, who are in doubt, that legally and justly the sitting member is entitled to the benefit of every reasonable doubt, report that in our deliberate judgment, Appleton Stevens was legally elected, and is legally and justly entitled to the seat he now holds as mem-



ber of this House from the county of Bay, and that the prayer of the memorialist ought to be refused.

All of which is respectfully submitted.

ANDREW J. LEETCH,  
SLOAN COOLEY.

Report accepted.

Mr. Gregory moved that the report be printed in the journal,  
Which motion prevailed.

Mr. Childs moved to make the whole subject the special order for Wednesday next, at 2 o'clock p. m.

Mr. Gregory moved to amend by striking out "Wednesday next at 2 o'clock p. m.," and insert "Tuesday evening at 7 o'clock."

Mr. Tibbits called for a division of the question.

The question being upon striking out, the same did not prevail.

The original motion was then adopted, and the report was made the special order for Wednesday next, at 2 o'clock p. m.

By the committee on towns and counties :

The committee on towns and counties, to whom was referred  
A bill for the organization of the county of Bleecker,

Would report that the same has been under their consideration, and direct me to report the same to this House, without amendment, and recommend the passage of the same.

J. B. WILSON, *Chairman*.

Report accepted and committee discharged.

The bill was ordered printed, referred to the committee of the whole, and placed on the general order.

By the committee on towns and counties :

The committee on towns and counties, to whom was referred

A bill to amend act 194, of the session laws of 1859, entitled an act to organize the township of Garden Island, in Manitowish county, and change the name of said township to Lincoln,

Would report that they have had the same under considera-



tion, and direct me to report the same back to the House, and recommend its passage.

JOHN B. WILSON, *Chairman.*

Report accepted and committee discharged.

The bill was ordered printed, referred to the committee of the whole, and placed on the general order.

By the committee on towns and counties:

The committee on towns and counties, to whom was referred the petition of R. Edwards and 190 others, for a division of Houghton county, and

A bill to establish and organize the county of Keweenaw, and to attach certain townships to Houghton county,

Report that they have had the same under consideration, and direct me to report in favor of granting the prayer of the petitioners, and recommend that the bill do pass, and ask to be discharged from the further consideration thereof.

JOHN B. WILSON, *Chairman.*

Report accepted and committee discharged.

The bill was ordered printed, referred to the committee of the whole, and placed on the general order.

By the committee on engrossment and enrollment:

The committee on engrossment and enrollment, report as correctly engrossed the following bills:

A bill to provide for the collection and return of taxes by township treasurers in newly organized counties in certain cases;

Also,

A bill to provide for the incorporation of associations for the publication of books, tracts, documents, and other matters of a religious, historical, literary and educational character;

Also,

A bill to repeal an act entitled an act to prevent the adulteration of alcoholic liquors, and to punish all persons who shall sell, or offer to sell, adulterated liquors and other adulterated beverages, approved February 15, 1859;

Also,



A bill to extend the time for the collection of taxes in the township of Holland, in the county of Ottawa.

A. L. GREEN, *Chairman.*

Report accepted.

The bills were severally ordered to a third reading.

COMMUNICATIONS FROM STATE OFFICERS.

OFFICE OF SUP'T OF PUBLIC INSTRUCTION, }  
*Lansing, January 16, 1861.* }

*To the Hon. Speaker of the House of Representatives:*

DEAR SIR:—Thanking the Honorable Members of the House of Representatives for the courtesy shown in tendering me the use of the Hall of the House, one evening each week, when not otherwise engaged, for educational meetings, I would respectfully announce that a general educational meeting will be held to-morrow (Thursday) evening. An introductory address on the Primary School System of the State, will be delivered, *by request*, and several addresses may be expected from gentlemen from different sections of the State.

Very respectfully,

J. M. GREGORY,

*Superintendent of Public Instruction.*

Laid on the table.

MESSAGES FROM THE SENATE.

The Speaker announced the following :

SENATE CHAMBER, }  
*Lansing, January 15, 1861.* }

*To the Speaker of the House of Representatives:*

SIR—I am instructed to transmit to the House the following entitled bills :

A bill to amend an act to provide for the construction of train railways ;

Also,

A bill to authorize fractional school district No. 1 of the townships of Shelby and Sterling, in the county of Macomb, to issue bonds.



Which have passed the Senate by a majority vote of all the Senators elect, and by a two-thirds vote of all the Senators elect, have been ordered to take immediate effect, and in all of which the concurrence of the House is respectfully asked.

Very respectfully,

A. B. TURNER,

*Secretary of the Senate.*

The first named bill was read a first and second time by its title, and referred to the committee on banks and incorporations.

The second named bill was read a first and second time by its title, and referred to the committee on education.

MOTIONS, RESOLUTIONS AND NOTICES.

Mr. Cutcheon moved that the committee of the whole be discharged from the further consideration of

A bill to amend an act entitled an act to establish graded and high schools ;

Which motion prevailed.

On motion of Mr. Cutcheon,

The bill was recommitted to the committee on education.

Mr. Hemingway offered the following :

*Resolved*, That the use of this Hall be tendered to Alonzo Hyde, for a temperance lecture, on Tuesday evening, the 29th instant ;

Which was adopted.

Mr. Lockwood offered the following :

*Resolved*, That the petition relative to the admission of Houghton county, reported upon favorably by the committee on towns and counties, be referred back to said committee; with instructions to bring in a bill ;

Which was adopted.

Mr. Lockwood gave notice that on some future day he would ask leave to introduce

A bill to amend sections 8 to 11 inclusive, of chapter 100 of the revised statutes of 1846, being sections 4188 to 4196, of the compiled laws, in relation to referees;

Also,



A bill to amend sections 4742, 4747 and 4748 of the compiled laws, relating to proceedings against debtors by attachment;

Also,

A bill to amend section five of chapter 165 of the revised statutes in relation to challenges of jurors in certain criminal cases.

Mr. Toll gave notice that on some future day he would ask leave to introduce

A bill to lay out a State road from Little Traverse to Cross Village, thence to the Straits of Mackinac, and ask for a grant of swamp land to aid in the construction thereof.

Mr. A. L. Green gave notice that on some future day he would ask leave to introduce

A bill to prevent fishing with seines and every kind of nets in any of the inland lakes and streams in the county of Eaton.

Mr. Shank gave notice that on some future time he would ask leave to introduce

A bill to establish a State Reform School for females.

Mr. Hill gave notice that on some future day he would ask leave to introduce

A bill to change the name of Albert R. Wedthoff.

Mr. Joy gave notice that on some future day he would ask leave to introduce

A bill relative to homesteads exempted from execution, in certain cases.

Also,

A bill to continue the authority of the Circuit Court Commissioners after the expiration of their term of office, in certain cases;

Mr. A. W. Davis gave notice that on some future day he would ask leave to introduce

A bill to extend the time for the collection of taxes in the township of Grand Blanc, in the county of Genesee, for the year 1860.

Mr. Woodman, previous notice having been given, and leave being granted, introduced



A bill to provide for the levying of a special tax in certain townships in Van Buren and Allegan counties, for the improvement of the harbor at the mouth of the South Black river, in Van Buren county.

The bill was read a first and second time by its title, and referred to the committee on harbors.

Mr. Taylor, unanimous consent being given, introduced

A bill to exempt from taxation for State and county purposes the property of certain persons of color.

The bill was read a first and second time by its title, and referred to the judiciary committee.

Mr. Hill, previous notice having been given, and leave being granted, introduced

A bill to lay out and establish and provide for the construction of a State road from Duplain, in Clinton county, through Brady and Maple Grove, in Saginaw county, to Montrose, in Genesee county, to be called the Genesee and Clinton State road.

The bill was read a first and second time by its title, and referred to the committee on public lands.

Mr. Hill, previous notice having been given, and leave being granted, introduced

A bill to lay out and establish, and to provide for the construction, of a State road from Saginaw city, in Saginaw county, to Owosso, in Shiawassee county, to be called the Saginaw and Owosso State Road.

The bill was read a first and second time by its title and referred to the committee on public lands.

Mr. Wheeler, previous notice having been given, and leave being granted, introduced

A bill to repeal an act entitled an act to provide against the recovery of damages done by beasts on lands not enclosed by a lawful fence, approved March 17, 1847, being sec. 628, of the compiled laws.

The bill was read a first and second time by its title, and referred to the judiciary committee.



Mr. Childs, previous notice having been given, and leave being granted, introduced •

A bill to provide for the marking or branding of horses, cattle, sheep and swine.

The bill was read a first and second time by its title, and referred to the committee on agriculture and manufactures.

Mr. Joy, previous notice having been given, and leave being granted, introduced

A bill relative to interest on contracts between citizens of this State and other States and countries, or payable elsewhere than in this State.

The bill was read a first and second time by its title, and referred to the committee on judiciary.

Mr. A. W. Davis, previous notice having been given, and leave being granted, introduced

A bill to change the name of the Algerville and Grand Blanc plank road, to the name of Grand Blanc and Holly plank road.

The bill was read a first and second time by its title, and referred to the committee on banks and incorporations.

#### THIRD READING OF BILLS AND JOINT RESOLUTIONS.

House bill, entitled

A bill to provide for the incorporation of associations for the publication of books, tracts, documents and other matters of a religious, historical, literary or educational character,

Was read a third time and passed, a majority of all the members elect voting therefor, by yeas and nays, as follows :

#### YEAS.

Mr. Adams,  
Alexander,  
Atwood,  
Baker,  
Beamer,  
Blakeslee,  
Brownell,  
Bunce,  
Chase,  
Childs,  
Choate,

Mr. Foote,  
Fowle,  
Gilbert,  
Goodrich,  
Gregory,  
A. L. Green,  
N. K. Green,  
Hemingway,  
Hill,  
Hodges,  
Hood,

Mr. Piper,  
Pringle,  
Rankin,  
Read,  
Sessions,  
Shank,  
Smith,  
W. N. Stevens,  
Stewart,  
Stoddard,  
Strong,



Chapoton,  
Cook,  
Cooley,  
Cox,  
Crego,  
Cutcheon,  
A. W. Davis,  
O. Davis,  
Ira Davis,  
Douglas,  
Fallass,  
Follett,

Hurd,  
Jones,  
Joy,  
Kelsey,  
Lockwood,  
Miller,  
Moore,  
Persons,  
Peters,  
Peterson,  
Phelps,

Taylor,  
Tibbits,  
Wade,  
Wallin,  
Waterbury,  
Wetherby,  
J. B. Wilson,  
Woodman,  
Woodward,  
Wright,  
Speaker,

87

## NAYS.

Mr. Howell,  
Morrison,

Mr. A. Stevens,  
Toll,

Mr. Wheeler,  
T. M. Wilson, 8

Title agreed to.

Mr. Pringle moved that the bill be ordered to take immediate effect ;

Which motion did not prevail.

House bill, entitled

A bill to provide for the collection and return of taxes by township treasurers in newly organized counties, in certain cases,

Was read a third time and passed, a majority of all the members elect voting therefor, by yeas and nays, as follows :

## YEAS.

Mr. Adams,  
Alexander,  
Atwood,  
Baker,  
Beamer,  
Blakeslee,  
Bunce,  
Chase,  
Childs,  
Choate,  
Chapoton,  
Cook,  
Cooley,  
Cox,  
Crego,  
Cutcheon,  
A. W. Davis,

Mr. Fowle,  
Gilbert,  
Goodrich,  
Gregory,  
A. L. Green,  
N. K. Green,  
Hemingway,  
Hill,  
Hodges,  
Hood,  
Hurd,  
Joy,  
Kelsey,  
Lockwood,  
Miller,  
Morrison,  
Moore,

Mr. Pringle,  
Rankin,  
Reed,  
Sessions,  
Shank,  
Shanahan,  
Smith,  
W. N. Stevens,  
Stewart,  
Stoddard,  
Strong,  
Taylor,  
Tibbits,  
Toll,  
Wade,  
Wallin,  
Waterbury,



C. Davis,  
Ira Davis,  
Fallass,  
Follett,  
Foote,

Persons,  
Peters,  
Peterson,  
Phelps,  
Piper,

Wheeler,  
J. B. Wilson,  
Woodman,  
Woodward,  
Speaker, 66

## NAYS.

Mr. Howell,  
Ramsdell,

Mr. A. Stevens,  
T. M. Wilson,

Mr. Wright, 5

Title agreed to.

On motion of Mr. Waterbury,

By a vote of two-thirds of all the members elect, the bill was ordered to take immediate effect.

House bill, entitled

A bill to amend section 4 of an act entitled an act supplementary to an act to define the limits, jurisdiction and powers of Circuit Courts, approved April 8, 1851; and to repeal an act supplementary to said act, approved June 27, 1851, which act, hereby amended, was approved Feb. 14, 1853, being section 3438 of compiled laws,

Was read a third time and passed, a majority of all the members elect voting therefor, by yeas and nays, as follows :

## YEAS.

Mr. Adams,  
Alexander,  
Atwood,  
Baker,  
Beamer,  
Blakeslee,  
Bunce,  
Chase,  
Childs,  
Choate,  
Chapoton,  
Cook,  
Cooley,  
Cox,  
Crego,  
Cutcheon,  
A. W. Davis,  
C. Davis,  
Ira Davis,

Mr. Gilbert,  
Goodrich,  
Gregory,  
A. L. Green,  
N. K. Green,  
Hemingway,  
Hill,  
Hodges,  
Hood,  
Howell,  
Hurd,  
Jones,  
Joy,  
Kelsey,  
Lockwood,  
Miller,  
Morrison,  
Moore,  
Persons,

Mr. Rankin,  
Read,  
Sessions,  
Shank,  
Shanahan,  
W. N. Stevens,  
A. Stevens,  
Stewart,  
Stoddard,  
Strong,  
Taylor,  
Tibbits,  
Toll,  
Wade,  
Wallin,  
Waterbury,  
Wetherby,  
Wheeler,  
T. M. Wilson,



Douglas,  
Fallass,  
Follett,  
Foote,  
Fowle,

Peterson,  
Phelps,  
Piper,  
Pringle,  
Ramsdell,

J. B. Wilson,  
Woodman,  
Woodward,  
Wright,  
Speaker.

72

NAYS.

0

Title agreed to.

On motion of Mr. Childs,

The House took a recess till 2 o'clock this afternoon.

#### AFTERNOON SESSION.

2 o'clock P. M.

The House met pursuant to adjournment, and was called to order by the Speaker.

Roll called : quorum present.

The Speaker announced that the hour having arrived, the House would take up the

#### SPECIAL ORDER OF THE DAY,

Being the consideration of

Joint resolutions relative to the State of the Union.

Mr. Atwood offered the following preamble and resolution:

*Whereas*, A portion of the report of the minority of the committee on federal relations, made to this House on the 15th inst., meaning the resolutions embodied in said report, were not placed upon the journals, in violation of impartiality, and contrary to the consideration and courtesy extended to the majority of said committee, therefore

*Resolved*, That the special order of to-day, being the consideration of those reports, be postponed until to-morrow afternoon at two o'clock, and that the Clerk of the House is hereby peremptorily ordered to place upon the journal of to-day's proceedings the resolutions offered by the minority of the committee on federal relations.

On motion of Mr. Howell,

The preamble and resolution was laid on the table.



Mr. Gilbert moved that the consideration of the joint resolution be postponed until Friday afternoon at 2 o'clock.

Mr. Pringle moved to amend by striking out the word "Friday," and inserting "Thursday;"

Which amendment was accepted.

Mr. Hill moved that the whole subject be recommitted to the committee on federal relations;

Which motion did not prevail.

Mr. Tibbitts called for the yeas and nays on the motion to postpone, which were ordered, and the motion prevailed by the following vote:

#### YEAS.

Mr. Adams,  
Atwood,  
Beamer,  
Brownell,  
Bunce,  
Choate,  
Chapoton,  
Cook,  
Cooley,  
Cox,  
Crego,  
Cutcheon,  
C. Davis,  
Ira Davis,  
Douglas,

Mr. Foote,  
Gilbert,  
Goodrich,  
Gregory,  
A. L. Green,  
Hadley,  
Haire,  
Hemingway,  
Hill,  
Jones,  
Joy,  
Kelsey,  
Lockwood,  
Miller,

Mr. Persons,  
Piper,  
Pringle,  
Ramsdell,  
Read,  
Shank,  
Stewart,  
Stoddard,  
Strong,  
Toll,  
Wallin,  
J. B. Wilson,  
Winans,  
Speaker,

43

#### NAYS.

Mr. Alexander,  
Baker,  
Blakeslee,  
Chase,  
Childs,  
A. W. Davis,  
Fallass,  
Follett,  
Fowle,  
N. K. Green,  
Hodges,  
Hood,

Mr. Howell,  
Hurd,  
Morrison,  
Moore,  
Peters,  
Peterson,  
Phelps,  
Rankin,  
Sessions,  
Shanahan,  
Smith,  
W. N. Stevens,

Mr. A. Stevens,  
Taylor,  
Tibbits,  
Wade,  
Waterbury,  
Wetherby,  
Wheeler,  
T. M. Wilson,  
Woodman,  
Woodward,  
Wright,

35

By unanimous consent, the Speaker announced the following:



*Lansing, Mich., Jan. 16, 1861.*

*To the Speaker of the House of Representatives:*

SIR:—Under a resolution of the House, passed January 2d, 1861, I hereby appoint A. Hosford Smith, Assistant Engrossing and Enrolling Clerk.

WM. A. HALL,

*Engrossing and Enrolling Clerk House Rep.*

Mr. Smith came forward and subscribed to the constitutional oath of office and entered upon the discharge of his duties.

On motion of Mr. Alexander,

The House adjourned till to-morrow morning at 10 o'clock.

---

*Lansing, Thursday, January 17, 1861.*

House met pursuant to adjournment, and was called to order by the Speaker.

Prayer by Rev. Mr. Meyers.

Roll called: quorum present.

PETITIONS PRESENTED.

By Mr. Rankin: petition of C. H. Rockwood and 18 others, taxable inhabitants of Genesee county, asking for a law for the protection of sheep, by a tax upon dogs.

Referred to the committee on agriculture.

By Mr. Goodrich: remonstrance of Henry Smith against pledging the military force of Michigan, &c.

Referred to the committee on militia.

By Mr. Adams: memorial of the board of supervisors of Kalamazoo county, asking a change in the law so that the board of supervisors fix the salary of judge of probate, and also place the proceeds of all forfeited recognizances in criminal cases to the credit of the poor, or library fund, as shall be determined by the board of supervisors.

Referred to the committee on judiciary.

By Mr. Sessions: petition of John Town and 5 other citizens,



of the township of Lyons, Ionia county, for an extension of the time for the collection of taxes in said township.

Referred to the committee on judiciary.

By Mr. Adams : remonstrance of H. G. Wells and others, of Kalamazoo, against changing the laws so as to take the power of fixing the salary of probate judges from the Legislature, and conferring the same on the Board of Supervisors, and against any change in the present law on that subject.

Referred to the committee on judiciary.

By Mr. Stoddard : petition of C. B. Wells and 148 others, praying for an act laying out and establishing a State road from Lapeer, in Lapeer county, to Sebewaing, in Huron county, and also for an appropriation for the construction of the same.

Referred to the committee on public lands.

#### REPORTS OF STANDING COMMITTEES.

By the judiciary committee :

The committee on the judiciary, to whom was referred the petitions of Charles Swindell and Joseph N. Hiscock, asking to have their names changed, have come to the conclusion, after considerable consideration, to report a general law providing for all proper cases of this kind, and herewith present a bill for that purpose, entitled

A bill for changing the names of minor adopted children, and of other persons,

And recommend its passage.

THOS. W. LOCKWOOD, *Chairman.*

Report accepted and committee discharged.

The bill was read a first and second time by its title, ordered printed, referred to the committee of the whole, and placed on the general order.

By the committee on the judiciary :

The committee on the judiciary, to whom was referred

A bill to exempt from taxation, for State and county purposes, the personal and real estate of persons of color, who are deprived of the right to vote under the Constitution,

Respectfully report that they have considered the said bill,



Senators elect, and in which the concurrence of the House is respectfully asked.

Very respectfully,

A. B. TURNER,

*Secretary of the Senate.*

The bill was read a first and second time by its title, and referred to the committee on judiciary.

**MOTIONS, RESOLUTIONS AND NOTICES.**

Mr. Lockwood gave notice that on some future day he would ask leave to introduce

A bill to repeal chapter 22, of the revised statutes of 1846, and the amendments thereto, and to provide for the collection of demands against water craft.

Mr. Follett gave notice that on some future day he would ask leave to introduce

A bill to provide for laying out and establishing a State road in the county of Montcalm, and making an appropriation of swamp lands for building the same.

Mr. Rankin offered the following :

*Resolved*, That the committee on judiciary be requested to inquire into the propriety of amending section 3738 of compiled laws, (chapter 117,) so as to extend its provisions in terms to defendants as well as plaintiffs, in suits before justices of the peace, with leave to report by bill or otherwise.

Which was adopted.

Mr. Taylor, previous notice having been given, and leave being granted, introduced

A bill to lay out and establish the Muskegon and Saginaw State road, and to provide for the construction of the same by means of swamp lands.

The bill was read a first and second time by its title, and referred to the committee on public lands.

Mr. Lockwood, previous notice having been given, and leave being granted, introduced

A bill to amend sections 8 to 11 inclusive, chapter 100, of the compiled laws, relative to referees.



The bill was read a first and second time by its title, and referred to the judiciary committee.

Mr. Gilbert, previous notice having been given, and leave being granted, introduced

A bill to apportion anew the Representatives among the several counties and districts of this State.

The bill was read a first and second time by its title, and referred to the committee on the judiciary.

Mr. Rankin, unanimous consent being given, introduced

A bill to extend the time for the collection of taxes in certain townships of Genesee county.

The bill was read a first and second time by its title, and referred to the judiciary committee.

Mr. Lockwood, previous notice having been given, and leave being granted, introduced

A bill in relation to the collection of recognizances in criminal cases.

The bill was read a first and second time by its title, and referred to the committee on judiciary.

Mr. Pringle, previous notice having been given, and leave being granted, introduced

A bill to amend chapters 58 and 128, of the revised statutes, of 1846, in regard to the disposition of fines, forfeitures and recognizances.

The bill was read a first and second time by its title, and referred to the committee on the judiciary.

Mr. Lockwood, previous notice having been given, and leave being granted, introduced

A bill relative to the issuing of capiasses for witnesses in criminal cases.

The bill was read a first and second time by its title, and referred to the judiciary committee.

#### THIRD READING OF BILLS.

House bill, entitled

A bill to extend the time for the collection of taxes in the township of Holland, in the county of Ottawa, for the year 1860,



Was read a third time and passed, a majority of all the members elect voting therefor, by yeas and nays, as follows :

## YEAS.

Mr. Adams,	Mr. A. L. Green,	Mr. Sessions,
Alexander,	N. K. Green,	Shank,
Atwood,	Hadley,	Shanahan,
Baker,	Haire,	Smith,
Beamer,	Hemingway,	W. N. Stevens,
Blakeslee,	Hill,	A. Stevens,
Brownell,	Hodges,	Stewart,
Bunce,	Hood,	Stoddard,
Chase,	Howell,	Strong,
Childs,	Hurd,	Taylor,
Choate,	Joy,	Tibbits,
Chapoton,	Kelsey,	Toll,
Cooley,	Lockwood,	Wallin,
Cox,	Miller,	Waterbury,
Crego,	Morrison,	Wetherby,
Cutcheon,	Moore,	Wheeler,
A. W. Davis,	Persons,	T. M. Wilson,
C. Davis,	Peterson,	J. B. Wilson,
Ira Davis,	Phelps,	Winans,
Fallass,	Piper,	Woodman,
Fowle,	Pringle,	Woodward,
Gilbert,	Ramsdell,	Wright,
Goodrich,	Rankin,	Speaker,
Gregory,	Read,	

71

## NAYS.

Mr. Cook, Mr. Wade,

2

Title agreed to.

On motion of Mr. Haire,

By a vote of two-thirds of all the members elect, the bill was ordered to take immediate effect.

Senate joint resolution, entitled

Joint resolution relative to the reciprocity treaty, of June 5th, 1854;

Was read a third time and passed, a majority of all the members elect voting therefor, by yeas and nays, as follows :

## YEAS.

Mr. Adams,	Mr. Gregory,	Mr. Read,
Alexander,	A. L. Green,	Sessions,
Atwood,	N. K. Green,	Shank,



Baker,	Hadley,	Shanahan,
Beamer,	Haire,	Smith,
Blakeslee,	Hemingway,	W. N. Stevens,
Bunce,	Hill,	Stewart,
Chase,	Hodges,	Stoddard,
Childs,	Hood,	Strong,
Choate,	Howell,	Taylor,
Chapoton,	Hurd,	Tibbits,
Cook,	Joy,	Toll,
Cox,	Kelsey,	Wade,
Crego,	Lockwood,	Wallin,
Cutcheon,	Miller,	Waterbury,
A. W. Davis,	Morrison,	Wetherby,
O. Davis,	Moore,	Wheeler,
Ira Davis,	Persons,	T. M. Wilson,
Douglas,	Peters,	J. B. Wilson,
Fallass,	Peterson,	Winans,
Follett,	Phelps,	Woodman,
Foote,	Piper,	Woodward,
Fowle,	Ramsdell,	Wright,
Gilbert,	Rankin,	Speaker,
Goodrich,		

73

## NAYS.

Mr. Cooley,

Mr. Pringle,

2

Pending the announcement of the vote,

Mr. Howell moved a call of the House;

Which motion did not prevail.

Title and preamble agreed.

House bill, entitled

A bill to repeal an act entitled an act to prevent the adulteration of alcoholic liquors, and to punish all persons who shall sell or offer to sell adulterated liquors and other adulterated beverages, approved February 15, 1859,

Was read a third time and passed, a majority of all the members elect voting therefor, by yeas and nays, as follows :

## YEAS.

Mr. Adams,  
Alexander,  
Atwood,  
Baker,  
Beamer,  
Blakeslee,

Mr. Gregory,  
A. L. Green,  
N. K. Green,  
Hadley,  
Haire,  
Hemingway,

Mr. Read,  
Sessions,  
Shank,  
Shanahan,  
Smith,  
W. N. Stevens,



Bunce,  
Chase,  
Childs,  
Choate,  
Chapoton,  
Cook,  
Cooley,  
Cox,  
Crego,  
Cutcheon,  
A. W. Davis,  
C. Davis,  
Ira Davis,  
Douglas,  
Fallass,  
Follett,  
Foote,  
Fowle,  
Gilbert,  
Goodrich,

Hill,  
Hodges,  
Hood,  
Howell,  
Hurd,  
Joy,  
Kelsey,  
Lockwood,  
Miller,  
Morrison,  
Moore,  
Persons,  
Peters,  
Peterson,  
Phelps,  
Piper,  
Pringle,  
Ramsdell,  
Rankin,

A. Stevens,  
Stewart,  
Stoddard,  
Strong,  
Taylor,  
Tibbits,  
Toll,  
Wade,  
Wallin,  
Waterbury,  
Wetherby,  
Wheeler,  
T. M. Wilson,  
J. B. Wilson,  
Winans,  
Woodman,  
Woodward,  
Wright,  
Speaker,

76

NAYS.

0

Title agreed to.

On motion of Mr. Tibbits,

By a vote of two thirds of all the members elect, the bill was ordered to take immediate effect.

On motion of Mr. Howell,

The House went into committee of the whole on the

#### GENERAL ORDER.

The Speaker caller Mr. Fallass to the chair.

After some time spent thereon, the committee rose, and through their chairman, reported as follows :

The committee of the whole have had under consideration

A bill to amend an act entitled an act to provide punishment for fraudulently removing or embezzling property under chattel mortgages, approved February 15th, 1859,

- Which they have amended by striking out all after the enacting clause, and in which the concurrence of the House is respectfully asked, and that the committee be discharged from the further consideration of the same.

Report accepted and committee discharged.



On motion of Mr. Gregory,

The House concurred in the action of the committee.

On motion of Mr. Ramsdell,

The enacting clause of the bill was laid on the table.

On motion of Mr. Kelsey,

The House took a recess until 2 o'clock in the afternoon.

—  
AFTERNOON SESSION.

2 o'clock P. M.

The House met, and was called to order by the Speaker.

Roll called : quorum present.

The Speaker announced that the hour had arrived for the consideration of the

SPECIAL ORDER OF THE DAY,

Being the joint resolutions, reported by the majority and minority of the committee on federal relations, entitled

1. Joint resolution relative to the State of the Union;
2. Joint resolution on the State of the Union.

On motion of Mr. Gilbert,

The subject was considered by the House as in committee of the whole.

After some time spent thereon, the Speaker announced, that the House, acting as in committee of the whole, had had under consideration said joint resolutions, had made some progress thereon, and ask leave to sit again.

Report accepted, and leave granted to sit again.

Mr. Cutcheon moved that the substitutes offered, in committee of the whole, for the joint resolution submitted by the majority of the committee on federal relations, be ordered printed in the journal.

Mr. Howell rose to a point of order—that the substitutes were not in possession of the House, the committee of the whole not having been discharged from the further consideration of the same.

The Speaker decided the point well taken.



Mr. Joy moved that the House resume the consideration of the joint resolutions, as in committee of the whole, in order that said committee might report the joint resolutions, and the substitutes offered therefor, back to the House.

Which motion prevailed ;

And the House resumed the consideration of said resolutions as in committee of the whole.

After a short time spent thereon, the Speaker announced that the House, acting as in committee of the whole, had had under consideration certain joint resolutions and the substitutes offered therefor, from the further consideration of which the committee ask to be discharged.

Report accepted and committee discharged.

On motion of Mr. Gregory,

The substitutes offered for the original resolutions were ordered printed in the journal.

The following is the substitute offered by Mr. Joy for the joint resolution reported by the majority of the committee on federal relations :

*Whereas*, It has become apparent that a section of this country is in open rebellion against the government and law, and that there is in progress a concerted and resolute attempt on the part of the people of several States to overthrow and destroy them ;

*And whereas*, In the judgment of this Legislature, the future welfare and prosperity of the whole people of the country, in all sections, are involved with and depend upon the continued existence and healthful action of the government under the present Constitution, therefore be it

*Resolved by the Senate and House of Representatives of the State of Michigan*, That this state of public affairs demands the equally earnest and determined effort of every friend of the country to sustain the government, and defeat the schemes of its enemies.

*Resolved*, That in such circumstances, indecision and want of firmness on the part of those at the head of the government,



becomes a most fatal fault—giving courage to its enemies and causing despondency among its friends; that in the course of their progress, all governments have been subject to such attempts at subversion, and that generally all who have met the shock with firmness, decision and energy, have overcome it, and become in consequence more firm, stable, and far more competent to secure the great object of all governments—the welfare and happiness of the people.

*Resolved*, That believing firmly that such will be the result of this attempt to destroy the government of this country, if it be met with becoming firmness of resolve and persevering energy, and also that there is no price, in any form, too great to be paid, if it becomes necessary to sustain and preserve it; we hereby offer and pledge to the General Government, for that object, all the resources and the military power of the State—in the language of other times, “our lives, our fortunes and our sacred honor.”

*Resolved*, That a copy of these resolutions be forwarded by his Excellency, the Governor, to our Senators and Representatives in Congress, and to the President of the United States.

The following is the substitute offered by Mr. Pringle :

*Whereas*, A bold attempt is now being made to subvert the national government, and to withdraw the States of a section from the federal Union, therefore be it

*Resolved by the Senate and House of Representatives of the State of Michigan*, That, while we are not unmindful of the importance of cordial good feeling to sustain any government, and while we deplore the existence of treasonable sentiments in any section of the country, our duty as legislators, and as citizens, requires us to demand that the power of the general government shall be upheld against all opposers, that rebellion shall be put down, and that the laws shall be enforced.

2. That taught by history the great lessons that weakness and vacillation, in any government, conduce to its speedy overthrow, and that firmness and unyielding will are true statesmanship in revolutionary times, and rarely or never have



been overcome, either by traitors within a State or by foreign foe, and mindful of the great blessings which our nationality has conferred upon the people of every State, we demand that, at all hazards, the present union of the States shall be preserved intact; and for the purpose of so maintaining it forever, we tender to the President of the United States the whole military force and entire resources of the State of Michigan.

3. That we deem the Constitution of the United States, and the enactments authorized by its provisions, the paramount law of the land, and as such to be regarded and obeyed by all alike; and we pledge the friends of the Union everywhere, that we neither intend to nullify that instrument, or those enactments, nor consent that the same shall be set at defiance by the people of any State.

*Resolved further*, That copies of these resolutions be forwarded by the Governor to the President of the United States, to our Senators and Representatives in Congress, and to each of the Governors of our sister States.

On motion of Mr. Morrison,

The House adjourned till to-morrow morning at 10 o'clock.

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*Lansing, Friday, January 18, 1861.*

House met pursuant to adjournment, and was called to order by the Speaker.

Prayer by Rev. Mr. McLeod.

Roll called: quorum present.

Absent without leave at roll call, Messrs. Beamer, Ira Davis, Wheeler, Winans, and J. B. Wilson.

Mr. Phelps asked and obtained leave of absence for Mr. Ira Davis for an indefinite period.

Mr. Hill asked and obtained leave of absence for Mr. J. B. Wilson for an indefinite time.

Mr. Cutcheon asked and obtained leave of absence for himself until Tuesday next.



Mr. Kelsey asked and obtained leave of absence for Mr. Beamer until Tuesday.

Mr. Moore asked and obtained leave of absence for himself until Wednesday next.

Mr. Gregory asked and obtained leave of absence for himself until Tuesday next.

Mr. Stewart asked and obtained leave of absence for Mr. Wheeler, on account of sickness.

Mr. Strong asked and obtained leave of absence for Mr. Winans, on account of sickness.

Mr. Tibbits asked and obtained the unanimous consent of the House, to introduce the following :

*Resolved*, That the members of this House have leave to visit their families, ascertain the condition of the same, and report such information to this House.

On motion of Mr. Alexander,

The resolution was laid on the table.

PETITIONS PRESENTED.

By Mr. Stoddard: petition of J. White, Wm. Burgess, and 115 others, asking for a State road from Ellington, in Tuscola county, to Bay city, in Bay county, and for an appropriation of swamp lands in aid of the same.

Referred to the committee on public lands.

By Mr. Stewart : petition of Henry Hutchinson, J. W. Frey, and 32 others, for an extension of time for the collection of taxes in the township of Lockport, in the county of St. Joseph.

Referred to the committee on judiciary.

By Mr. Baker : petition of Albert Thompson and 42 others, asking an act to authorize the township of Danby, Ionia county, to appropriate the non-resident highway tax of said township, for the purpose of building a bridge across Grand river, on section 18, in said township.

Referred to the committee on roads and bridges.

By Mr. Kelsey: resolutions of the board of supervisors of the county of Shiawassee, in relation to the swamp land drainage.



Referred to the committee on public lands.

By Mr. Phelps: memorial of Wm. W. Ryan, asking an appropriation in order to place a copy of his "Theory of the Weather" in the hands of every scholar that draws public money in this State.

Referred to the committee on internal improvements.

By Mr. Hill: petition of P. H. Warren, and 15 other citizens of Saginaw and Genesee counties, praying for the vacation of a certain State road in said counties, and for a re-location of the same.

Referred to the committee on public lands.

By Mr. Cutcheon: petition of A. Winchell, for the transfer of certain scientific works from the State library to the library of the Michigan University.

Referred to the committee on State library.

#### REPORTS OF STANDING COMMITTEES.

By the committee on education:

The committee on education, to whom was referred

A bill to authorize fractional school district No. 1 of the townships of Shelby and Sterling, in the county of Macomb, to issue bonds,

Having had said bill under consideration, have ordered me to report the same back without amendment, and, the bill having previously passed the Senate, this committee recommend that the House concur, and ask to be discharged from the further consideration of the same.

B. L. HILL, *Chairman.*

Report accepted and committee discharged.

On motion of Mr. Brownell,

The bill was placed on the order for third reading.

By the committee on judiciary:

The committee on the judiciary, to whom was referred

A bill to transfer the general supervision and government of the State Agricultural College from the State Board of Education, to a State Board of Agriculture,



Respectfully report that they have had the same under consideration, and have instructed me to report the same to this House, with sundry amendments thereto, which are herewith submitted, and when so amended, recommend its passage, and ask to be discharged from the further consideration thereof.

THOS. W. LOCKWOOD, *Chairman*.

Report accepted, and committee discharged.

On motion of Mr. Sessions,

The House concurred in the amendments made by the committee.

The bill was referred to the committee of the whole and placed on the general order.

MOTIONS, RESOLUTIONS AND NOTICES.

Mr. Hemingway offered the following :

*Resolved*, That the committee on the judiciary be instructed to inquire whether any amendment to section 4, of chapter 175, of the compiled laws, is necessary in order to produce uniformity in the fees of Masters in Courts of Chancery, and report by bill or otherwise.

Which was adopted.

Mr. Ramsdell gave notice that on some future day he would ask leave to introduce

A bill to establish a State road from the head of Little Traverse Bay to Elk Rapids, and from thence to Traverse City, and ask for an appropriation of swamp lands for the same.

Mr. Woodman gave notice that on some future day he would ask leave to introduce

A bill to incorporate the village of Decatur.

Mr. A. L. Green, previous notice having been given, and leave being granted, introduced

A bill to incorporate the Grand Traverse College, at Benzonia, in the county of Grand Traverse.

The bill was read a first and second time by its title, and referred to the committee on education.

Mr. Joy, previous notice having been given, and leave being granted, introduced



A bill to continue the authority of the Circuit Court Commissioners after the expiration of their term of office, in certain cases.

The bill was read a first and second time by its title, and referred to the committee on judiciary.

Mr. Cook, previous notice having been given, and leave being granted, introduced

A bill to amend chapter 23, of compiled laws, relative to obstructions and encroachments of highways.

The bill was read a first and second time by its title, and referred to the judiciary committee.

#### THIRD READING OF BILLS AND JOINT RESOLUTIONS.

Mr. Brownell moved that the rules be suspended, and that Senate bill, entitled

A bill to authorize fractional school district No. 1, of the townships of Shelby and Sterling, in the county of Macomb, to issue bonds,

Be placed upon its final passage;

Which motion prevailed.

The bill was then read a third time and passed, a majority of all the members elect voting therefor, by yeas and nays, as follows:

#### YEAS.

Mr. Adams,	Mr. Goodrich,	Mr. Pringle,
Alexander,	Gregory,	Ramsdell,
Atwood,	A. L. Green,	Read,
Baker,	Hadley,	Sessions,
Blakeslee,	Haire,	Shank,
Brownell,	Hemingway,	Shanahan,
Bunce,	Hill,	Smith,
Chase,	Hodges,	W. N. Stevens,
Childs,	Hood,	A. Stevens,
Choate,	Howell,	Stoddard,
Chapoton,	Hurd,	Strong,
Cook,	Jones,	Taylor,
Cooley,	Joy,	Tibbits,
Cox,	Kelsey,	Toll,
Orego,	Lockwood,	Wade,
Cutcheon,	Miller,	Wallin,
A. W. Davis,	Morrison,	Waterbury,



C. Davis,	Moore,	Wetherby,	
Fallass,	Persons,	T. M. Wilson,	
Follett,	Peters,	Woodman,	
Foote,	Peterson,	Woodward,	
Fowle,	Phelps,	Wright,	
Gilbert,	Piper,	Speaker,	69
	NAYS.		0

Title agreed to.

On motion of Mr. Howell,

By a vote of two-thirds of all the members elect, the bill was ordered to take immediate effect.

#### UNFINISHED BUSINESS,

Being, joint resolutions, entitled

Joint resolutions relative to the state of the Union ;

On motion of Mr. Sessions,

Were made the special order for this afternoon at 2 o'clock.

On motion of Mr. Lockwood,

The House went into committee of the whole on the

#### GENERAL ORDER.

The Speaker called Mr. Pringle to the chair.

After some time spent thereon, the committee rose, and through their chairman, reported as follows :

The committee of the whole have had under consideration

A bill to amend an act entitled an act to establish teachers' institutes, approved Feb. 10, 1855,

Which the committee report back to the House, with the recommendation that the bill be recommitted to the committee on education.

A bill to authorize any township in the county of Allegan to make loans and levy taxes for the improvement of the Kalamazoo river and harbor,

Which the committee have amended, and report the same back with the recommendation that it be referred to the committee on the judiciary.

Pending the question of the concurrence of the House in the recommendations of the committee,

On motion of Mr. Alexander,

The House took a recess until 2 o'clock in the afternoon.



## AFTERNOON SESSION.

2 o'clock P. M.

House met, and was called to order by the Speaker.

Roll called : quorum present.

The question before the House being upon the concurrence of the House in the recommendations of the committee of the whole in regard to the bills reported back by the committee this forenoon,

On motion of Mr. Sessions,

The House concurred, and the bills were referred as recommended.

The hour having arrived, the Speaker announced the

## SPECIAL ORDER OF THE DAY,

Being the consideration of joint resolutions entitled  
Joint resolutions relative to the state of the Union.

The question being upon the adoption of the substitute,

Mr. Joy moved to amend his substitute by inserting after the word, "form," in the third resolution, the words "except sacrifice of principle."

Which motion prevailed.

Mr. Brownell moved to recommit the whole subject to the committee on federal relations, with instructions to substitute in the place of the resolutions before the House, the resolutions offered by the minority of said committee.

Mr. Adams demanded the previous question ;

Which demand was seconded, and the main question being ordered,

Mr. Brownell called for the yeas and nays.

The call was seconded, the the motion to recommit did not prevail, by the following vote :

## YEAS.

Mr. Atwood,  
Brownell,  
Choate,  
Cooley,

Mr. Douglas,  
Gregory,  
Hadley,

Mr. A. Stevens,  
Strong,  
Toll,



## NAYS.

<b>Mr. Adams,</b>	<b>Mr. Haire,</b>	<b>Mr. Rankin,</b>
<b>Alexander,</b>	<b>Hemingway,</b>	<b>Read,</b>
<b>Baker,</b>	<b>Hill,</b>	<b>Sessions,</b>
<b>Blakeslee,</b>	<b>Hodges,</b>	<b>Shank,</b>
<b>Bunce,</b>	<b>Hood,</b>	<b>Shanahan,</b>
<b>Chase,</b>	<b>Howell,</b>	<b>Smith,</b>
<b>Childs,</b>	<b>Hurd,</b>	<b>W. N. Stevens,</b>
<b>Chapoton,</b>	<b>Jones,</b>	<b>Stewart,</b>
<b>Cook,</b>	<b>Joy,</b>	<b>Stoddard,</b>
<b>Cox,</b>	<b>Kelsey,</b>	<b>Taylor,</b>
<b>Crego,</b>	<b>Lockwood,</b>	<b>Tibbits,</b>
<b>A. W. Davis,</b>	<b>Miller,</b>	<b>Wade,</b>
<b>C. Davis,</b>	<b>Morrison,</b>	<b>Wallin,</b>
<b>Fallass,</b>	<b>Moore,</b>	<b>Waterbury,</b>
<b>Follett,</b>	<b>Persons,</b>	<b>Wetherby,</b>
<b>Foots,</b>	<b>Peters,</b>	<b>T. M. Wilson,</b>
<b>Fowle,</b>	<b>Peterson,</b>	<b>Woodman,</b>
<b>Gilbert,</b>	<b>Phelps,</b>	<b>Woodward,</b>
<b>Goodrich,</b>	<b>Piper,</b>	<b>Wright,</b>
<b>A. L. Green,</b>	<b>Pringle,</b>	<b>Speaker,</b>
<b>N. K. Green,</b>	<b>Ramsdell,</b>	

62

The question being upon the substitute offered by Mr. Pringle,

Mr. Howell called for the yeas and nays, which were ordered, and the substitute was not adopted, by the following vote:

## YEAS.

<b>Mr. Atwood,</b>	<b>Mr. Gilbert,</b>	<b>Mr. Pringle,</b>
<b>Baker,</b>	<b>Gregory,</b>	<b>A. Stevens,</b>
<b>Brownell,</b>	<b>Hadley,</b>	<b>Strong,</b>
<b>Chapoton,</b>	<b>Jones,</b>	<b>Toll,</b>
<b>Douglas,</b>	<b>Lockwood,</b>	

14

## NAYS.

<b>Mr. Adams,</b>	<b>Mr. N. K. Green,</b>	<b>Mr. Read,</b>
<b>Alexander,</b>	<b>Haire,</b>	<b>Sessions,</b>
<b>Blakeslee,</b>	<b>Hemingway,</b>	<b>Shank,</b>
<b>Bunce,</b>	<b>Hill,</b>	<b>Shanahan,</b>
<b>Chase,</b>	<b>Hodges,</b>	<b>Smith,</b>
<b>Childs,</b>	<b>Hood,</b>	<b>W. N. Stevens,</b>
<b>Choate,</b>	<b>Howell,</b>	<b>Stewart,</b>
<b>Cook,</b>	<b>Hurd,</b>	<b>Stoddard,</b>
<b>Cox,</b>	<b>Kelsey,</b>	<b>Taylor,</b>
<b>Crego,</b>	<b>Miller,</b>	<b>Tibbits,</b>
<b>A. W. Davis,</b>	<b>Morrison,</b>	<b>Wade,</b>



C. Davis,  
Fallass,  
Follett,  
Foote,  
Fowle,  
Goodrich,  
A. L. Green,

Moore,  
Persons,  
Peters,  
Peterson,  
Phelps,  
Piper,  
Rankin,

Waterbury,  
Wetherby,  
T. M. Wilson,  
Woodman,  
Woodward,  
Wright,  
Speaker, 54

Pending the announcement of the vote,

Mr. Fallass moved that Mr. Joy be excused from voting ;

Which motion prevailed.

The question then recurring upon the adoption of the substitute offered for the original resolutions by Mr. Joy,

Mr. C. Davis called for the yeas and nays, which were ordered, and the substitute was not adopted, as follows :

#### YEAS.

Mr. Atwood,  
Choate,  
Chapoton,  
Cook,  
Cooley,  
Gilbert,

Mr. Goodrich,  
Gregory,  
Hadley,  
Hemingway,  
Jones,

Mr. Joy,  
Lockwood,  
Pringle,  
Ramsdell,  
Shank,

16

#### NAYS.

Mr. Adams,  
Alexander,  
Baker,  
Blakeslee,  
Brownell,  
Bunce,  
Chase,  
Childs,  
Cox,  
Crego,  
A. W. Davis,  
C. Davis,  
Fallass,  
Follett,  
Foote,  
Fowle,  
A. L. Green,  
N. K. Green,

Mr. Haire,  
Hill,  
Hodges,  
Hood,  
Howell,  
Hurd,  
Kelsey,  
Miller,  
Morrison,  
Moore,  
Persons,  
Peters,  
Peterson,  
Phelps,  
Piper,  
Rankin,  
Read,  
Sessions,

Mr. Shanahan,  
Smith,  
W. N. Stevens,  
Stewart,  
Stoddard,  
Taylor,  
Tibbits,  
Toll,  
Wade,  
Wallin,  
Waterbury,  
Wetherby,  
T. M. Wilson,  
Woodman,  
Woodward,  
Wright,  
Speaker,

53

Mr. Hill moved that the resolutions offered by the majority of the committee on federal relations be ordered to a third reading;

Mr. Sessions demanded the previous question.



The demand was not seconded.

The question recurring upon ordering the resolutions to a third reading,

The motion prevailed.

Mr. Shank moved that the resolutions be recommitted to the committee on federal relations, with instructions to amend by striking out the first subdivision of the 4th resolution, and inserting in lieu thereof the following :

*Resolved*, That while we are in favor of bringing about promptly, a peaceful termination of the difficulties that are disturbing the peace and harmony of the Republic, by the mildest possible means, we at the same time proffer to the General Government the whole military force of Michigan, together with such other material aid as the State can furnish, in restoring order, and defending the people, property, laws and constitution of the United States.

Mr. Howell rose to a point of order—that the House once having refused to recommit the resolution, the motion was out of order.

The Speaker decided the motion to recommit, with instructions, to be in order.

The question being upon recommitting the resolutions to the committee on federal relations,

Mr. A. W. Davis called for the yeas and nays,

Which were ordered.

Mr. Childs demanded the previous question,

Which demand was seconded, and the main question ordered.

The question being upon recommitting with instructions, the same did not prevail, by the following vote:

YEAS.

Mr. Atwood,  
Brownell,  
Choate,  
Cooley,  
C. Davis,  
Douglas,

Mr. Gilbert,  
Hadley,  
Jones,  
Joy,  
Kelsey,

Mr. Lockwood,  
Pringle,  
Rankin,  
Shank,  
Strong,



## NAYS.

Mr. Adams,  
Alexander,  
Baker,  
Blakeslee,  
Bunce,  
Chase,  
Childs,  
Cook,  
Cox,  
Crego,  
A. W. Davis,  
Fallass,  
Follett,  
Foote,  
Fowle,  
Goodrich,  
A. L. Green,  
N. K. Green,

Mr. Haire,  
Hill,  
Hodges,  
Hood,  
Howell,  
Hurd,  
Miller,  
Morrison,  
Moore,  
Persons,  
Peters,  
Peterson,  
Phelps,  
Piper,  
Ramsdell,  
Read,  
Sessions,

Mr. Shanahan,  
Smith,  
W. N. Stevens,  
Stewart,  
Stoddard,  
Taylor,  
Tibbits,  
Toll,  
Wade,  
Wallin,  
Waterbury,  
Wetherby,  
T. M. Wilson,  
Woodman,  
Woodward,  
Wright,  
Speaker,

52

The joint resolution, entitled

A joint resolution relative to the state of the Union,

Was read a third time and passed, a majority of all the members elect voting therefor, by yeas and nays, as follows :

## YEAS.

Mr. Adams,  
Alexander,  
Baker,  
Blakeslee,  
Bunce,  
Chase,  
Childs,  
Chapoton,  
Cook,  
Cox,  
Crego,  
A. W. Davis,  
C. Davis,  
Fallass,  
Follett,  
Foote,  
Fowle,  
Goodrich,  
A. L. Green,  
N. K. Green,  
Haire,

Mr. Hemingway,  
Hill,  
Hodges,  
Hood,  
Howell,  
Hurd,  
Jones,  
Joy,  
Lockwood,  
Miller,  
Morrison,  
Moore,  
Persons,  
Peters,  
Peterson,  
Phelps,  
Piper,  
Pringle,  
Ramsdell,  
Rankin,

Mr. Read,  
Sessions,  
Shank,  
Shanahan,  
Smith,  
W. N. Stevens,  
A. Stevens,  
Stewart,  
Stoddard,  
Taylor,  
Tibbits,  
Wade,  
Wallin,  
Waterbury,  
Wetherby,  
T. M. Wilson,  
Woodman,  
Woodward,  
Wright,  
Speaker,

: 2

61



## NAYS:

Mr. Atwood,  
Brownell,  
Choate,  
Cooley,

Mr. Douglas,  
Gilbert,  
Gregory,

Mr. Hadley,  
Strong,  
Toll,

10

Title and preamble agreed to.

Mr. Morrison moved that the vote by which the joint resolutions were passed be reconsidered.

Mr. Howell moved to lay the motion on the table;

Which motion prevailed.

On motion of Mr. Childs,

The House adjourned till to-morrow morning at 10 o'clock.

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*Lansing, Saturday, January 19, 1861.*

House met pursuant to adjournment, and was called to order by the Speaker.

Prayer by the Rev. Mr. Meyers.

Roll called : quorum present.

Absent at roll call without leave, Messrs. Brownell, Chapoton, Cook, Douglas, Follett, Kelsey, Peterson, Toll, Wade.

Mr. Sessions asked and obtained leave of absence for Mr. Follett till Wednesday.

Mr. Atwood asked and obtained leave of absence for Mr. Brownell for one day; also for Mr. Douglas until Tuesday; also for Mr. Toll, on account of sickness.

Mr. Hurd asked and obtained leave of absence for Mr. Cook until Wednesday next.

Mr. Stoddard asked and obtained leave of absence for Mr. Wade till Wednesday next.

Mr. Joy asked and obtained leave of absence for Mr. Chapoton for one day.

Mr. Phelps asked leave of absence for Mr. Peterson until Wednesday next.

Pending which,

Mr Howell moved a call of the House, which was ordered.

The clerk called the roll, and a quorum being present,



On motion of Mr. Childs,

All further proceedings under the call were dispensed with.

Leave of absence was then granted to Mr. Peterson.

Mr. Atwood asked and obtained leave of absence for himself for an indefinite time, on account of ill health.

Mr. Waterbury asked and obtained leave of absence for Mr. Kelsey for an indefinite period, on account of sickness.

Mr. Tibbits asked and obtained the unanimous consent of the House, to introduce the following :

*Resolved*, That in future, no member be excused from this House, except in case of sickness, either of himself or of his family.

On motion of Mr. Alexander,

The resolution was laid on the table.

#### PETITIONS PRESENTED.

By Mr. Shank: remonstrance of H. A. Shaw and 29 others, against the repeal of the Jackson and Michigan plank road company.

Referred to the committee on the judiciary.

By Mr. Taylor: petition of the board of supervisors of Muskegon county, asking that the act organizing said county may be repealed.

Referred to the committee on towns and counties.

By Mr. Goodrich: petition of B. W. Warren and 59 others, citizens of Eaton county, for an appropriation for the improvement of the Battle Creek and Lansing State road.

Referred to the committee on roads and bridges.

By Mr. Goodrich: petition of the board of supervisors of Eaton county, to amend section 24, of an act entitled an act to establish an Insane Asylum.

Referred to the committee on judiciary.

By Mr. Hill: memorial of the board of supervisors of Saginaw county, praying for an act to compel Bay county to refund certain taxes.

Referred to the committee on the judiciary.

By Mr. Pringle: petition of Samuel A. and Harriet Barnes,



for a change of the name of Clarissa Melissa Wing to 'Clara Barnes.

Referred to the committee on the judiciary.

By Mr. Hill : memorial of the board of supervisors of Saginaw county, for the repeal of act number 48, of the session laws of 1859, by an act to appropriate certain non-resident taxes on a road from Bay City to Saginaw City.

Referred to the committee on banks and incorporations.

By Mr. Stoddard : memorial of the board of supervisors of Tuscola county, asking the legislature to provide for laying out certain roads in said county, and to provide for the construction of the same.

Referred to the committee on public lands.

By Mr. Pratt : petition of Melancthon Petit and 39 others, citizens of Emerson township, in Gratiot county, praying for an appropriation of swamp lands, for the purpose of draining a certain large swamp in said township.

Referred to the committee on public lands.

By Mr. Hill : memorial of the board of supervisors of Saginaw county, for a State road from Saginaw City, in Saginaw county, to Owosso, in Shiawassee county, and for an appropriation of swamp lands to aid in the construction of the same.

Referred to the committee on public lands.

By Mr. Joy: remonstrance of G. W. Hill and others against giving the common council, of the city of Detroit, power to appropriate money to celebrate the 4th of July; also,

Remonstrance of Rev. George Duffield and 38 others, for the same purpose; also,

Remonstrance of Samuel P. Duffield and 28 others, for the same purpose ;

Which were referred to the committee on banks and incorporations.

By Mr. Joy: petition of Rev. Geo. Duffield and 29 others to restore the provisions of the prohibitory liquor laws, as originally passed ; also,



Petition of J. B. Bloss and 30 others, for the same purpose ; also,

Petition of Rev. Seth Reed and 29 others, for the same purpose ; also,

Petition of A. Sheley and 26 others, for the same purpose ;

All of which were referred to the committee on the judiciary,

By Mr. Goodrich : petition of the board of supervisors of Eaton county, for the amendment of section No. 2, of act No. 187, of the session laws of 1859.

Referred to the committee on judiciary.

By Mr. Hill: memorial of the board of supervisors of Saginaw county, praying for an act to compel the township of Pine River, in Gratiot county, to collect and pay to Saginaw county certain taxes.

Referred to the judiciary committee.

By Mr. Pringle : remonstrance of Thomas Jones and 22 others, citizens of Jackson county, against the repeal of the charter of the Jackson and Michigan plank road company.

Referred to the judiciary committee.

By Mr. Hill : memorial of the board of supervisors of Saginaw county, asking an appropriation of swamp lands on the Clinton, Gratiot, Saginaw and Genesee State road.

Referred to the committee on public lands.

By Mr. Morrison : petition of B. F. Feather and 70 others, citizens of Berrien county, praying for the restoration of the prohibitory liquor law, as originally enacted in 1855 ; also,

Petition of the same persons, praying that the law of 1859, relative to the adulteration of liquors be so amended as to dispense with the appointment of authorized inspectors ;

Which were referred to the judiciary committee.

By Mr. Sessions : remonstrance against the repeal or modification of the liberty laws.

Referred to the committee on judiciary.



## REPORTS OF STANDING COMMITTEES.

By the committee on judiciary :

The committee on the judiciary, to whom was recommitteed Senate bill number 14, being

A bill to extend the time for collecting the drain and ditch tax in the townships of Brownstown and Romulus, in the county of Wayne,

Respectfully report that they have examined and considered the same, and directed their chairman to report the same back to the House with the recommendation that the same do pass, and ask to be discharged from the further consideration thereof.

THOS. W. LOCKWOOD, *Chairman.*

Report accepted and committee discharged.

On motion of Mr. Lockwood,

The bill was placed on the order of third reading.

By the committee on education:

The committee on education to whom was referred House bill number 19, to amend the act for the establishment of teachers' institutes,

Have made the amendments to said bill, rendered necessary by typographical errors, and direct me to report the same back and recommend its passage, and ask to be discharged from the further consideration of the same.

B. L. HILL, *Chairman.*

Report accepted and committee discharged.

On motion of Mr. Ramsdell,

The House concurred in the amendments made by the committee.

The bill was referred to the committee of the whole, and placed on the general order.

By the committee on education:

The committee on education to whom was recommitteed

A bill to amend an act entitled an act to establish graded and high schools,

Have had the same under consideration and order me to re-



port the same back and recommend its passage, and ask to be discharged from the further consideration of the same.

B. L. HILL, *Chairman*.

Report accepted and committee discharged.

The bill was ordered printed, referred to the committee of the whole, and placed on the general order.

By the committee on roads and bridges :

The committee on roads and bridges, to whom was referred the petition of the board of supervisors of the county of Kent, asking for the laying out and establishing a State road, and a grant of swamp lands to open the same, have had said petition under consideration, and instructed me to report the same back to the House without action, and ask its reference to the committee on public lands, and to be discharged from its further consideration.

N. K. GREEN, *Chairman*.

Report accepted and committee discharged.

The recommendations of the committee were concurred in, and the petition was so referred.

By the committee on roads and bridges :

The committee on roads and bridges to whom was referred the petition of the board of supervisors of the county of Montcalm, asking for a State road, and an appropriation of swamp lands therefor, have had the same under consideration, and instructed me as their chairman to report the same back to the House without action, and ask its reference to the committee on public lands, and to be discharged from its further consideration.

N. K. GREEN, *Chairman*.

Report accepted and committee discharged.

The recommendations of the committee were concurred in, and the petition was so referred.

#### MESSAGES FROM THE SENATE.

The Speaker announced the following :



SENATE CHAMBER,  
Lansing, January 18, 1861. }

*To the Speaker of the House of Representatives:*

SIR:—I am instructed by the Senate to transmit the following entitled joint resolution:

Joint resolutions on the state of the Union,

Which has passed the Senate by a majority vote of all the Senators elect, and in which the concurrence of the House is respectfully asked.

Very respectfully,

A. B. TURNER,  
*Secretary of the Senate.*

The resolution was read a first and second time by its title, and referred to the committee on federal relations.

Also the following:

SENATE CHAMBER,  
Lansing, January 18, 1861. }

*To the Speaker of the House of Representatives:*

SIR—I am instructed by the Senate to transmit the following entitled bills:

1. A bill to extend the time for the collection of taxes in the townships of Clay, Kimball and Riley, in the county of St. Clair;

2. A bill to extend the time for the collection of taxes in the townships of Clyde, Columbus and St. Clair, in the county of St. Clair;

3. A bill to authorize the sale by the State Treasurer of two thousand copies of the compiled laws;

4. A bill to change the name of William Francis Kelley;

5. A bill to change the name of Clarissa Melissa Wing to Clara Barnes;

Which have passed the Senate by a majority vote of all the Senators elect, and in all of which the concurrence of the House is respectfully asked.

Very respectfully,

A. B. TURNER,  
*Secretary of the Senate.*



The first named bill was read a first and second time by its title, and

On motion of Mr. Bunce,

Was placed on the order of third reading.

The second named bill was read a first and second time by its title, and

On motion of Mr. Smith,

Placed on the order of third reading.

The third named bill was read a first and second time by its title, and referred to the committee on ways and means.

The fourth and fifth named bills were read a first and second time by their titles, and referred to the committee on judiciary.

Also the following:

SENATE CHAMBER,  
*Lansing, January 19, 1861.* }

*To the Speaker of the House of Representatives:*

SIR:—I am instructed by the Senate to transmit the following entitled bill:

A bill to amend an act entitled "an act to provide for the incorporation of railroad companies," approved February 12, 1855,

Which has passed the Senate by a majority vote of all the Senators elect, and by a vote of two-thirds of all the Senators elect, have been ordered to take immediate effect, and in all of which the concurrence of the House is respectfully asked.

Very respectfully,

A. B. TURNER,

*Secretary of the Senate.*

The bill was read a first and second time by its title, and referred to the committee on banks and incorporations.

MOTIONS, RESOLUTIONS AND NOTICES.

Mr. Lockwood, previous notice having been given, and leave being granted, introduced

A bill to repeal chapter 122, of the revised statutes of 1846, and the amendments thereto, and to provide for the collection of demands against water craft.



The bill was read a first and second time by its title, and referred to the judiciary committee. .

Mr. A. L. Green, previous notice having been given, and leave being granted, introduced

A bill to change the name of T. D. Green, of the county of Eaton, and State of Michigan;

The bill was read a first and second time by its title, and referred to the committee on the judiciary.

Mr. Hemingway, previous notice having been given, and leave being granted, introduced

A bill to attach certain territory to the county of Iosco.

The bill was read a first and second time by its title, and referred to the committee on towns and counties. ,

Mr. Alexander, previous notice having been given, and leave being granted, introduced

A bill to provide for the payment of fees of judges of probate, in certain cases.

The bill was read a first and second time by its title, and referred to the judiciary committee.

Mr. Phelps, previous notice having been given, and leave being granted, introduced

A bill in relation to assignments, and to compel assignees to give security.

The bill was read a first and second time by its title, and referred to the judiciary committee.

Mr. Lockwood, previous notice having been given, and leave being granted, introduced

A bill to amend section 5, of chapter 165, of the revised statutes of 1846, relative to challenges of jurors, in certain criminal cases.

The bill was read a first and second time by its title, and referred to the judiciary committee.

Mr. Lockwood, previous notice having been given, and leave being granted, introduced

A bill to amend sections 4742, 4747 and 4748 of the compiled laws, relative to proceedings against debtors by attachment.



The bill was read a first and second time by its title, and referred to the judiciary committee.

Mr. Sessions, unanimous consent being given, introduced

A bill to legalize the tax roll in the township of Ionia, in the county of Ionia, and to authorize the collection of the same.

The bill was read a first and second time by its title, and

On motion of Mr. Sessions,

The rules were suspended, and the bill placed on its final passage.

The bill was then read a third time and passed, a majority of all the members elect voting therefor, by yeas and nays, as follows :

#### YEAS.

Mr. Adams,	Mr. Haire,	Mr. Read.	
Alexander,	Hemingway,	Sessions,	
Baker,	Hill,	Shank,	
Bunce,	Hodges,	Shanahan,	
Chase,	Hood,	Smith,	
Childs,	Howell,	W. N. Stevens,	
Choate,	Hurd,	A. Stevens,	
Cooley,	Jones,	Stoddard,	
Cox,	Joy,	Strong,	
A. W. Davis,	Lockwood,	Taylor,	
C. Davis,	Miller,	Tibbits,	
Ira Davis,	Morrison,	Wallin,	
Foote,	Persons,	Waterbury,	
Fowle,	Peters,	Wetherby,	
Gilbert,	Phelps,	T. M. Wilson,	
Goodrich,	Piper,	Woodman,	
A. L. Green,	Pratt,	Woodward,	
N. K. Green,	Ramsdell,	Wright,	
Hadley,	Rankin,	Speaker,	57

#### NAYS.

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Title agreed to.

On motion of Mr. Sessions,

By a vote of two-thirds of all the members elect the bill was ordered to take immediate effect.

Mr. Childs moved that the committee of the whole be discharged from the further consideration of House bill No. 9, being.

A bill to transfer the general supervision and government of



the State agricultural college from the State board of education to a State board of agriculture;

Which motion prevailed.

On motion of Mr. Childs,

The bill was placed on the order of third reading.

Mr. Phelps offered the following :

*Resolved* That his excellency, the Governor, be requested to furnish the committee on printing with a copy of the Adjutant and Quarter Master General's report for 1861, and that the committee procure the printing of one thousand copies forthwith.

Which was adopted.

Mr. Adams offered the following:

*Resolved*, That the Secretary of State be requested to furnish the House with a table of the population of the State by counties and townships for the year 1860, and that 500 copies be printed in document form for the use of this House.

Mr. Pringle moved to amend by inserting after the word "townships," the words, "cities and wards;"

Which was accepted.

Mr. Alexander moved to amend, by inserting after the word "wards," the words "and incorporated villages ;"

Which amendment was also accepted.

The resolution, as amended, was then adopted.

Mr. Lockwood moved that the committee of the whole be discharged from the further consideration of House bill, entitled

A bill to amend certain sections of an act entitled an act to establish a House of Correction for juvenile offenders, approved February 10th, 1855, as amended by an act entitled an act to amend certain sections of an act entitled an act to establish a House of Correction for juvenile offenders, approved February ninth, eighteen hundred and fifty-five, approved February 10th, 1857, and to amend section two of said last mentioned act;

Which motion prevailed.

On motion of Mr. Lockwood,

The bill was then recommitted to the committee on the judiciary.



Mr. Lockwood moved to take from the table

A bill relative to levies of executions on real estate ;

Which motion prevailed.

The question being upon concurring in the amendments made to the bill by the committee of the whole,

The first amendment, to strike out the word "three" in line 6 of section 1, and insert in lieu thereof the word "six," was adopted.

The second amendment, to strike out the word "ten" in line 3, section 2, and insert "thirty" was adopted.

Pending the concurrence of the House in the adoption of the third amendment, to strike out the word "the" in the third line of section 2, and insert "actual,"

On motion of Mr. Howell,

The House adjourned till Monday morning at 10 o'clock.

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*Lansing, Monday, January 21, 1861.*

House met pursuant to adjournment, and was called to order by the Speaker.

Prayer by Rev. Mr. Vibbert.

Roll called : quorum present.

Absent at roll call without leave, Mr. A. L. Green.

Mr. Goodrich asked and obtained leave of absence for Mr. A. L. Green for one day.

#### PETITIONS PRESENTED.

By Mr. Joy : petition of M. H. Maynard, P. White and 100 others, of Marquette, for a grant of swamp lands for the construction of roads in the Upper Peninsula.

Referred to the committee on public lands.

By Mr. A. Stevens : petition of Albert Miller and 108 others, in favor of amending the act incorporating Bay City.

Referred to the committee on banks and incorporations.

By Mr. Miller : petition of H. B. Tucker and 27 others, praying that 10 per cent. of the two mill tax be set apart for the support of district libraries.



Referred to the committee on education.

By Mr. Morrison : petition of G. M. Odell and 14 others, of Berrien county, for the amendment of the liquor law ;

Also, petition of Wm. Dougherty and 116 others, citizens of Berrien county, praying for the repeal of so much of act 198, of the session laws of 1859, as relates to Berrien county ;

Which were referred to the committee on judiciary.

By Mr. Pratt : petition of William E. Winton and 105 others, citizens of Gratiot county, praying for the letting of further contracts on the Port Huron, Bay City and Lansing State road ; and also for the laying out of a State road from Ithaca to St. Charles, and an appropriation of swamp lands for the same.

Referred to the committee on public lands.

By Mr. N. K. Green : petition of Josephine M. Lyman, Betsey P. Parker, and sixty-one others, asking an alteration of the constitution so that the rights of suffrage may be extended to the females of this State.

On motion of Mr. N. K. Green,

The petition was referred to the committee on judiciary, and ordered printed in the journal.

The following is the petition :

*To the Honorable Senate and House of Representatives of the State of Michigan, in General Court assembled :*

*Whereas, The women of Michigan are disfranchised by its State Constitution, solely on account of their sex :*

*We do respectfully demand for them the right of suffrage ; a right which involves all other rights of citizenship, and one that cannot justly be withheld, as the following admitted principles of government show :*

*First—All men are born free and equal.*

*Second—Government derives its just powers from the consent of the governed.*

*Third—Taxation and representation are inseparable.*

*We, the undersigned, therefore, petition your Honorable*



bodies, to take the necessary steps for the revision of the Constitution, so that all citizens may enjoy equal political rights

Josephine M. Lyman,  
Tabitha Bond,  
Lusina Bates,  
Harriet H. Knapp,  
Pamela Sharer,  
G. A. Bond,  
Malinda Teachout,  
Nancy Fleming,  
Nancy J. Herth,  
Mary E. Reed,  
Eliza Payne,  
Livera Read,  
D. W. Pain,  
M. M. Luce,  
Lydia P. Bates,  
Daniel Bates,  
Josiah Bond,  
John C. Rogers,  
Chauncey Teachout,  
S. W. Ferris,  
Epenetus Bond,  
Zorie S. Decker,  
Lucy A. North,  
Azuban Carpenter,  
Esther M. Myers,  
Susan Dodge,  
Eveline Owen,  
Charles W. Owen,  
Nettie Blake,  
Sophronia Blake,  
W. A. Champenors,  
Asa Draper.

Betsey P. Parker,  
Lucretia Bond,  
Sarah Lyman,  
Lucy A. Combes,  
Priscilla Bates,  
Nancy H. Newell,  
Cornelia Bond,  
Lydia Teachout,  
Sarah C. Lawkin,  
Sarah A. Bond,  
John Lee,  
E. S. Holman,  
Nancy S. Holman,  
Sarah I. Luce,  
Maria R. Teachout,  
Geo. Lantin,  
Stephen H. Read,  
Harrison Bramble,  
Sam'l Morey,  
Eroline C. Cole,  
S. S. Decker,  
Hattie Teachout,  
James Dolbear,  
J. P. Bond,  
A. Beach,  
Lanet Billings,  
Elizabeth Martin,  
Martha Morse,  
Adelaide Holman,  
Winslow Bates,  
Ann Reed,



## REPORTS OF STANDING COMMITTEES.

By the judiciary committee :

The committee on the judiciary, to whom was referred

A bill to repeal an act making appropriations for the payment of warrants drawn by the board of State Auditors,

Respectfully report that they have had the same under consideration, and return the same to the House without amendment, with the recommendation that it be referred to the committee on ways and means, and ask to be discharged from the further consideration of the same.

THOS. W. LOCKWOOD, *Chairman.*

Report accepted and committee discharged.

On motion of Mr. Howell,

The recommendations of the committee were concurred in.

By the judiciary committee:

The committee on the judiciary, to whom was referred

A bill to apportion anew the Representatives among the several counties and districts of the State,

Would respectfully report that they have had the same under consideration, and return the said bill to the House without amendment, with the recommendation that it be ordered printed and placed on the general order, and ask to be discharged from the further consideration of the same.

THOS. W. LOCKWOOD, *Chairman.*

Report accepted and committee discharged.

The bill was ordered printed, referred to the committee of the whole, and placed on the general order.

By the judiciary committee:

The judiciary committee to whom was referred

A bill requiring township and county officers, other than collectors, to file a duplicate receipt with the county clerk of all moneys paid by them into the county treasury, and of the duties of the county clerk in relation thereto,

Respectfully report that they have had the same under consideration, and report the said bill back to the House, with the



accompanying amendments, with the recommendation that it do pass, when so amended, and ask to be discharged from the further consideration of the same.

THOS. W. LOCKWOOD, *Chairman.*

Report accepted and committee discharged.

On motion of Mr. Sessions,

The House concurred in the amendments made by the committee.

The bill was then ordered printed, referred to the committee of the whole, and placed on the general order.

By the committee on the judiciary :

The committee on the judiciary, to whom was referred the petition of the superintendents of the Saginaw county poor house, praying to have their doubts removed as to whether the distinction between town and county poor is legally restored in that county,

Respectfully report that they are of opinion that no further legislation is needed on that subject, but that in order that the petitioners might have the benefit of an opinion from a known and responsible public officer as to the matter in question, the committee have procured the opinion of the Attorney General thereon, which is hereto annexed, and forms a part of this report, and in which your committee concur, and recommend that the same be printed in the journal for the information of all concerned.

THOS. W. LOCKWOOD, *Chairman.*

Report accepted and committee discharged.

The recommendations of the committee were concurred in.

The following is the opinion of the Attorney-General :

ATTORNEY GENERAL'S OFFICE, }  
Lansing, Jan. 11, 1861. }

HON. THOS. W. LOCKWOOD,

*Chairman Judiciary Committee, House of Representatives :*

SIR :—I am in receipt of your communication of January 10, with petition of the Superintendents of the Poor of the county



of Saginaw, therein referred to, and in which communication you inquire "whether the action of the Board of Supervisors indicated in said petition, under the special act of 1859, relative to that county, had the effect to revise the poor laws of 1838?"

By an act of the Legislature of this State, approved March 1, 1849, (see Sess. Laws, 1849, page 44,) a new section was added to chapter 38, R. S., 1846, providing that "whenever at the annual meeting of the Board of Supervisors of any county, two-thirds of all the Supervisors elected shall vote to restore the distinction between town and county poor, a record of such vote shall be made by the Clerk of such county, and thereafter the system of maintaining the poor by townships, as it existed by law on the 28th day of February, A. D. 1846, shall be deemed as adopted and of force in such county."

A proviso also was added, authorizing the Supervisors by a similar vote, to restore the provisions of said chapter 38, R. S. 1846, thus leaving it optional with the counties to adopt which system they chose, that of 1838, or that of 1846.

By section 3, of article 4, of the Constitution of 1850, the Legislature is authorized to confer upon the Board of Supervisors of the several counties "such powers of a local, legislative and administrative character as they may deem proper."

By act of April 8, 1851, (see vol. 1 Comp. Laws, page 186,) the Legislature endeavored to confer such powers on Boards of Supervisors, under the above provision of the Constitution, and by subdivision 11, of section 11, of said act, they authorized the several Boards of Supervisors "to abolish, but not revise the distinctions between township and county poor;" thus recognizing the legal and actual existence of the two systems.

By act No. 92, of 1857, (page 205, session laws 1857,) it is provided "that the board of supervisors of the county of Saginaw should have power at a regular meeting of said board, by a vote of two-thirds of its members elect, to restore the distinction between town and county poor."

If, then, the said board at its next annual meeting, after the said last mentioned act took effect, did, by a vote of two-thirds



of all the supervisors elected, restore the distinction between town and county poor, as indicated in said petition, and which vote still remains unchanged, then in my opinion "the system of maintaining the poor by townships, as is enacted by law on the 28th day of February, A. D. 1846," is adopted and now of force in said county of Saginaw.

Very respectfully,

CHARLES UPSON.

By the committee on supplies and expenditures :

The committee on supplies, who were directed by vote of this House to procure two maps for the use of this House, at a cost not to exceed the sum of twelve dollars each, and one small map for each of the members of this House, at a cost not to exceed 30 cents each, would report that they have procured the two large maps at a cost of \$10 each, which are now in this House. The small maps are ordered from New York, and are expected by Wednesday next. A sufficient number could not be obtained at a sooner time.

All of which is respectfully submitted.

WM. PHELPS, *Chairman.*

Report accepted and committee discharged.

By the committee on the judiciary :

The committee on the judiciary have had under consideration

A bill to provide for an additional circuit court commissioner for the county of Washtenaw,

And respectfully report that they have deemed it advisable to provide for the election of an additional circuit court commissioner in all the new populous counties of the State by a general law. The committee accordingly report a substitute for the same, which is herewith submitted, entitled

A bill to provide for an additional circuit court commissioner in certain counties,

And recommend that the substituted bill do pass, and ask to be discharged from the further consideration of the same.

By order of the committee.

EUGENE PRINGLE.



Report accepted and committee discharged.

On motion of Mr. Childs,

The substitute offered by the committee was adopted.

The bill was ordered printed, referred to the committee of the whole, and placed on the general order.

By the committee on education :

The committee on education, to whom was referred

A bill to incorporate the Grand Traverse college, at Benzonia, in the county of Grand Traverse,

Have had the same under consideration, and ordered me to report that the paper purporting to be such bill proves on examination to be articles of incorporation constituting the parties therein named a body corporate, under the title of the "Grand Traverse College."

Said articles are in all respects in conformity to the provisions of the "act to provide for the incorporation of institutions of learning," approved Feb. 9, 1855, being chapter 60, of compiled laws ; and by these articles, when they are filed with the Secretary of State as the law directs, the parties therein named have become in all respects a body corporate for the purpose of establishing and conducting said college. By article 15, section 1, of the constitution, the Legislature is prohibited from creating corporations by special act, except for municipal purposes. This corporation being for a special purpose, could not be created except by general law, as provided for in the act referred to. Your committee are therefore of opinion that no further legislation in relation to said college is necessary for the accomplishment of the ends sought by its friends, and, though the committee are favorable to said institution, and heartily commend it to the people, believing that the papers referred to them, should go to the Secretary of State, they recommend that the parties interested in said college have leave to withdraw the same that they may be sent to the State department as the law directs.

B. L. HILL, *Chairman*.

Report accepted and committee discharged.

The recommendations of the committee were concurred in.



By the committee on harbors :

The committee on harbors to whom was referred

A bill to provide for the levying of a special tax in certain townships in Van Buren and Allegan counties, for the improvement of the harbor at the mouth of the South Black river, in Van Buren county,

Would respectfully report that they have had the same under consideration, and have directed me to report the same back to the House, and recommend that it do pass, and ask to be discharged from the further consideration of the same.

T. M. WILSON, *Chairman.*

Report accepted and committee discharged.

The bill was ordered printed, referred to the committee of the whole, and placed on the general order.

By the committee on public lands :

The committee on public lands, to whom was referred the petition of Melancthon Petit and 39 other citizens of Emerson township, in the county of Gratiot, asking for an appropriation of swamp lands to drain a certain large swamp in said county,

Would respectfully report that they have had the same under consideration, and are of opinion that ample provision has been made by the Legislature of 1859, in their act No. 117, appropriating 100,000 acres of the swamp lands of the State for such purposes, and placing the same in the hands of the Board authorized by said act, and are of opinion that further legislation in the matter is unnecessary, and that the petitioners have leave to withdraw their petition, and the committee ask to be discharged from the further consideration of the matter.

J. C. WATERBURY, *Chairman.*

The report was accepted, the committee discharged, and leave granted to withdraw the petition.

By the committee on public lands :

The committee on public lands, to whom was referred the preamble and resolutions of the board of supervisors of the county of Shiawassee, would respectfully report that they have had



the same under consideration, and by a majority direct their chairman to report that it is their opinion that further legislation in the premises is unnecessary, and the relief they ask for may be obtained from the State Board, under the provisions of act No. 117, of the session laws of 1859, and that the petitioners have leave to withdraw the petition, and ask to be discharged from the further consideration of the same.

All of which is respectfully submitted.

J. C. WATERBURY, *Chairman.*

Report accepted and committee discharged, and leave granted to withdraw the petition.

By the committee on roads and bridges :

The committee on roads and bridges, to whom was referred

A bill to amend chapter 23 of the compiled laws, relative to obstructions and encroachments of highways,

Have had the same under consideration, and instructed me to report the same back without amendment, recommend its passage, and ask to be discharged from the further consideration of the same.

N. K. GREEN, *Chairman.*

Report accepted and committee discharged.

The bill was ordered printed, referred to the committee of the whole, and placed on the general order.

MESSAGES FROM THE SENATE :

The Speaker announced the following :

SENATE CHAMBER,  
*Lansing, January 19, 1861.* }

*To the Speaker of the House of Representatives :*

SIR :—I am instructed by the Senate to transmit the following entitled bill:

A bill to provide for the payment of members and officers of the Legislature of 1861,

Which has passed the Senate by a majority vote of all the



Senators elect, and in which the concurrence of the House is respectfully asked.

Very respectfully,

A. B. TURNER,

*Secretary of the Senate.*

The bill was read a first and second time by its title, and referred to the committee on ways and means.

Also the following:

SENATE CHAMBER,  
Lansing, January 19, 1861. }

*To the Speaker of the House of Representatives:*

SIR:—I am instructed to return to the House the following entitled bills:

A bill to legalize the tax roll of the township of Ionia, in the county of Ionia, and to authorize the collection of the same;

Also,

A bill to provide for the collection and return of taxes by township treasurers in newly organized counties,

In the passage of which, the Senate has concurred, by a majority vote of all the Senators elect, and has ordered the same to take immediate effect by a vote of two-thirds of all the Senators elect.

Very respectfully,

A. B. TURNER,

*Secretary of the Senate.*

The bills were referred to the committee on engrossment and enrollment.

Also the following:

SENATE CHAMBER,  
Lansing, January 19, 1861. }

*To the Speaker of the House of Representatives:*

SIR:—I am instructed to return to the House the following entitled bill:

A bill to extend the time for the collection of taxes in the township of Holland, in the county of Ottawa,

Which the Senate has amended by striking out section three, and inserting a substitute therefor;



In the passage of which, as amended, the Senate has concurred by a majority vote of all the Senators elect, and has ordered the same to take immediate effect by a vote of two-thirds of all the Senators elect.

Very respectfully,

A. B. TURNER,

*Secretary of the Senate.*

Mr. Alexander moved that the House concur in the amendment;

Which motion prevailed, by yeas and nays, as follows:

YEAS.

Mr. Adams,	Mr. Haire,	Mr. Ramsdell,
Alexander,	Hemingway,	Rankin,
Baker,	Hill,	Sessions,
Brownell,	Hood,	Shanahan,
Chase,	Howell,	A. Stevens,
Childs,	Hurd,	Stoddard,
Choate,	Jones,	Strong,
Cooley,	Joy,	Taylor,
Cox,	Lockwood,	Wallin,
A. W. Davis,	Miller,	Wetherby,
C. Davis,	Morrison,	T. M. Wilson,
Ira Davis,	Persons,	Woodman,
Foote,	Phelps,	Woodward,
Fowle,	Piper,	Wright,
Gilbert,	Pratt,	Speaker,
Goodrich,	Pringle,	

47

NAYS.

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The bill was then referred to the committee on engrossment and enrollment.

MOTIONS, RESOLUTIONS AND NOTICES.

Mr. Gilbert offered the following :

*Resolved*, That the clerk of this House be instructed to keep an accurate account of the time that each member is absent from his duties, except in cases where such absence is occasioned by the sickness of said member or his family, and report the same to the Speaker of this House the day before the close of the session ;



Which was adopted.

Mr. Hill gave notice that on some future day he would ask leave to introduce

A bill requiring the Auditor General to furnish the county treasurers with a list and actual description of delinquent lands on which any county or road tax has been paid to the State, during the year next preceding the first day of January in each year.

Mr. C. Davis gave notice that on some future day he would ask leave to introduce

A bill to organize the town of Cedar, in the county of Muskegon ;

Also,

A bill to lay out and establish a State road from Nunica, in Ottawa county, to Muskegon, and ask a grant of swamp land therefor ; also, a similar grant for the improvement of the road from Grand Rapids to Muskegon.

Mr. Persons gave notice that on some future day he would ask leave to introduce

A bill to provide for laying out a State road from Sauble river, in the county of Iosco, by way of Alpena, in the county of Alpena, to Cheboygan, in the county of Cheboygan, and to make an appropriation of swamp lands for the same.

Mr. Pringle offered the following :

*Resolved*, That the daily sessions of this House be hereafter held at 10 A. M., and at 2 P. M.

Which was adopted.

Mr. Stoddard gave notice that on some future day he would ask leave to introduce

A bill attaching fractional township No. 15 north, range 7 east, to the township of Geneva, all in Tuscola county.

Mr. Hill offered the following :

*Resolved*, That the committee on judiciary be instructed to inquire into the propriety of providing by law for the prohibition of releasing persons charged with crime, on such person turning State's evidence against confederates.



Which was adopted.

Mr. Joy, previous notice having been given, and leave being granted, introduced

A bill to amend and add to chapter 132, of the compiled laws, entitled of homestead exemptions.

The bill was read a first and second time by its title, and referred to the committee on education.

Mr. Tibbits, previous notice having been given, and leave being granted, introduced

A bill to amend sections 1, 2 and 16, of chapter 118, of compiled laws, relative to the jurisdiction of justices in criminal proceedings.

Mr. Sessions, unanimous consent being given, introduced

A bill to extend the time for the collection of taxes in the year 1860.

The bill was read a first and second time by its title, and

On motion of Mr. Sessions,

Was laid on the table.

Mr. Shank, unanimous consent being given, introduced

A bill to authorize James H. Sprague to build a dam across Grand River, on section 12, in town 1 north of range 3 west, in the county of Eaton.

The bill was read a first and second time by its title, and referred to the judiciary committee.

Mr. Howell offered the following :

*Resolved*, That the Speaker be and he is hereby authorized to appoint a reporter for this House.

On motion of Mr. Howell,

The resolution was laid on the table.

#### UNFINISHED BUSINESS,

Being the consideration of

A bill relative to levies of executions on real estate:

The question being upon the concurrence of the House in the adoption of the third amendment, to strike out the word "the," in the third line of section 2, and insert "actual,"



On motion of Mr. Childs,

The bill was recommitted to the committee of the whole.

MESSAGE FROM THE SENATE.

By unanimous consent, the Speaker announced the following:

SENATE CHAMBER,  
Lansing, January 21, 1861.-}

*To the Speaker of the House of Representatives:*

SIR:—I am instructed to return to the House the following entitled joint resolutions:

Joint resolution relative to the state of the Union;

For which the Senate has substituted the accompanying

Joint resolution on the state of the Union,

And passed the same by a majority vote of all the Senators elect, and in which substitute the concurrence of the House is respectfully asked.

Very respectfully,

A. B. TURNER,

*Secretary of the Senate.*

On motion of Mr. Morrison,

The joint resolution was referred to the committee on federal relations.

On motion of Mr. Pringle,

The House went into committee of the whole on the

GENERAL ORDER.

Mr Howell in the chair.

After some time spent thereon, the committee rose, and through their chairman reported as follows :

The committee of the whole have had under consideration

A bill to amend section 8, of chapter 38, of the revised statutes of 1846, as amended by an act entitled an act to amend chapter 40 of the compiled laws, relative to the support of poor persons by the public, approved February 11, 1859 ;

Upon which they have made some progress, and ask leave to sit again.

Report accepted, and leave granted.



On motion of Mr. Alexander,

The House adjourned till 2 o'clock this afternoon.

—  
AFTERNOON SESSION.

2 o'clock P. M.

The House met pursuant to adjournment, and was called to order by the Speaker.

Roll called : quorum present.

On motion of Mr. Alexander,

The House went into committee of the whole on the

GENERAL ORDER.

Mr. Howell in the chair.

After some time spent thereon, the committee rose, and through their chairman reported as follows :

The committee of the whole have had under consideration,

1. A bill to amend section 8, of chapter 38, of the revised statutes of 1846, as amended by an act entitled an act to amend chapter 40 of the compiled laws, relative to the support of poor persons by the public, approved February 11, 1859;

To which the committee have made sundry amendments.

2. A bill to confirm deeds and instruments intended for the conveyance of real estate in certain cases;

Which the committee have amended.

3. A bill to enable the Fort Street Presbyterian Church, of Detroit, to hold certain property ;

To which certain amendments have been made.

4. A bill to amend sections 9 and 34, of chapter 103, of the revised statutes of 1846, compiled laws, vol. 2, sections 4351 and 4375;

To which they have made an amendment.

5. A bill to amend an act entitled an act for the protection of game in the State of Michigan, approved February 14, 1859, being act No. 176 of the session laws of 1859;

Which they have amended.



And the committee of the whole recommend that the several amendments be concurred in, and ask to be discharged.

Report accepted and committee discharged.

On motion of Mr. Howell,

The amendments to the first, second, third and fourth named bills were concurred in, in gross.

On motion of Mr. Childs,

The amendments to the last named bill were concurred in.

The several bills were then ordered engrossed for a third reading.

On motion of Mr. Childs,

The House adjourned till to-morrow morning at 10 o'clock.

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*Lansing, Tuesday, January 22, 1861.*

House met pursuant to adjournment, and was called to order by the Speaker.

Prayer by Rev. Mr. Potter.

Roll called : quorum present.

PETITIONS PRESENTED.

By Mr. Gilbert: petition of Abram W. Pike, guardian, and others, for a change of the name of Gertrude Northam to Gertrude Eliza Graves, and to authorize Gideon D. Graves and Eliza Graves to adopt her as their lawful child and heir.

Referred to the committee on the judiciary.

By Mr. Waterbury: petition of Isaac Green, and 132 others, citizens of Sanilac county, asking for an appropriation of swamp lands to assist in constructing a road from Bridgeport, in Saginaw county, to Forestville, in Sanilac county.

Referred to the committee on public lands.

By Mr. Lockwood: petition of the mayor and aldermen of Detroit, for the passage of a law for the registration of births, deaths and marriages.

Also: petition of assistants in the United States Lake Survey Office, in Detroit, for the same purpose.



Also: petition of Samuel P. Duffield, Rev. D. C. Jacokes, and other citizens of Detroit, for the same purpose.

Also: petition of Dr. N. D. Stebbins and 27 other citizens of Detroit, for the same purpose.

The petitions were severally referred to the committee on State affairs.

By Mr. Hill: memorial of the board of supervisors of Saginaw county, asking for a State road from Ithaca, Gratiot county, to Saginaw, in Saginaw county, and for a grant of swamp lands to aid in the construction of the same.

Referred to the committee on public lands.

By Mr. Cutcheon: petition of Charles Tripp, F. J. Beaks, Emanuel Mann, and 33 others, for district libraries, and for an annual appropriation from the two mill tax for the purchase of books.

Referred to the committee on education.

By Mr. W. N. Stevens: petition of George P. Williams, L. Fasquelle, Alfred Duboise, and 21 others, for a law providing for a county superintendent of schools in each organized county.

Referred to the committee on education.

By Mr. Hill: memorial of the board of supervisors of Saginaw county, praying for a law to allow counties to sell and convey lands forfeited for non-payment of taxes.

Referred to the committee on ways and means.

By Mr. Cutcheon: petition of Charles Tripp, D. C. Brooks, James C. Watson, E. B. Pond, G. D. Hill and 71 other citizens of Michigan, for a law providing for a county superintendent of schools in each organized county.

Referred to the committee on education.

By Mr. W. N. Stevens: petition of D. McIntyre, Philip Buck, William L. Maynard, W. W. Wines, G. D. Hill and 33 others, for district libraries, and for an annual appropriation from the two mill tax for the purchase of books.

Referred to the committee on education.

By Mr. ———: petition of J. L. Fletcher and 50 others, for relief of J. L. Fletcher, asking for a grant of 40 acres of swamp



land, on which he was an actual settler when said land was granted to the Holland harbor improvement.

Referred to the committee on public lands.

By Mr. Gregory : petition of the officers of fractional school district No. 3, of Sylvan and Lima, Washtenaw county, for authority to issue bonds.

Referred to the committee on judiciary.

#### REPORTS OF STANDING COMMITTEES.

By the majority of the committee on judiciary :

The majority of the committee on the judiciary, to whom was referred back House bill No. 33, relative to commitments to the reform school, respectfully report that they have duly considered the same, and have the views of the superintendent of said school thereon, and have come to the conclusion that it is the true office and mission of the reform school, to relieve boys who have so far evinced disposition to crime, as to get committed for vagrancy and petty offences not usually brought before courts of record, rather than to wait for them to become hardened to the committal of higher crimes. Whilst at the same time the board of control should be vested with power to return the utterly incorrigible ones, to be dealt with in a more severe and appropriate manner. We therefore submit a substitute for the bill recommitted, and recommend that the same do pass, and ask to be discharged from the further consideration thereof.

THOS. W. LOCKWOOD, *Chairman.*

Report accepted and leave granted the minority of the committee to report.

By the minority of the committee on judiciary:

The undersigned, a minority of the committee on the judiciary, dissents from the views of a majority of the committee in proposing amendments to the recited sections ten and twelve of the bill relating to the reform school (House bill No. 33), and respectfully submits the following:

The bill, as it now stands, proposes to change the present law, by confining its operation to boys, by taking from police magistrates and justices of the peace the power to sentence to



this institution for the malicious destruction or injury of personal property, and by otherwise amending it so that this class of officers shall be able to understand what it means.

Upon the organization of this institution, the law authorized sentences, for terms depending upon the character of the offense, by all criminal courts, of all persons under twenty-one years of age convicted of large or petty crimes. It became a substitute for the common jail, more than for the prison. It cost less in individual cases to the counties. Very soon it was seen to be necessary either to impose longer sentences or to abandon the hope of reforming the criminal. There was an impropriety, also, of associating those who had been guilty of prison offenses with the comparatively innocent who, had they been adults, would have been adequately punished by a small fine or a few days imprisonment. The Legislature of 1857 very properly, in the opinion of the undersigned, remedied the existing difficulty by allowing no person over sixteen years of age to be sentenced to this institution, requiring that sentences should be until the offenders were twenty-one years of age, limiting the class to be sent here to those convicted of prison offenses, and authorizing the Board of Control to liberate or bind by indenture such offenders as they deemed sufficiently reformed to justify their discharge.

Subsequent experience has, it is believed, fully demonstrated the propriety of the changes proposed in the bill referred to the committee. By a construction of the law which is thought by the undersigned to be wholly without excuse, a few of the several thousand magistrates in the State, elected as police justices or justices of the peace, have, without authority, sentenced offenders to this School for vagrancy and for all sorts of petty crimes and misdemeanors. Some of the results of the action of incompetent courts may be seen at a glance by those who visit the institution or see the "pupils" together. An occasional countenance shows clearly enough that its owner does not belong to the class of offenders who should be sent here.



He is not at heart a criminal, and has very likely been convicted of a first petty offense, and immured here to gratify the whim of some justice of the peace who had never tried a criminal cause before, and who had never considered for an hour the object of penal laws. Another result has been the conviction and sentences of a number of boys—perhaps one tenth of the whole number—who could never have been found guilty in any court which had a decent respect for the rules of common law. A person fourteen years of age is legally presumed to be capable of crime; one under seven years is legally incapable of conviction; between seven and fourteen years the presumption is in favor of the accused, but that presumption may be rebutted by proof that as a matter of fact the child has the intelligence and ability to judge of right and wrong possessed by persons of maturer years. Those who have looked for an hour in the faces of a dozen or two of the younger boys, will have no difficulty in arriving at the conclusion that such proof could never have been adduced as to them. These existing facts demonstrate the entire inefficiency of the supposed safeguards of requiring a reviewal of the papers and testimony by a circuit or probate judge.

The proposed amendments reported by the majority are for the purpose of conferring upon all the justices and police courts the power which has been exercised in a few localities heretofore, in violation of law, to sentence to this institution for all crimes punishable by fine or imprisonment, and also for vagrancy, and to authorize the board of control to improve the character of the school by dismissing the bad boys!

The undersigned dissents from the plan of conferring this power upon the magistrates for the reasons above given, and because the frequent exercise of so large a power by persons in general so poorly qualified, would be likely to revive a feeling against the institution, which is believed to have wholly subsided in all those parts of the State, where the magistrates have respected the law of 1857. He also dissents from the idea of sentencing offenders here for petty offenses, believ-



ing that the punishment would be in general barbarously excessive, and that the true interests of society would be injured rather than benefitted thereby. Of the whole number of boys who, under the influence of momentary temptation, commit small offences, not one in fifty is likely to become an abandoned villain, and which ones of them are really likely to become so, is beyond the power of human judgment to predict. To take the boy who has become so familiar with crime as to be a notorious thief, or who has shown himself capable of committing felonies, to confine him, to render him subject to rules, to instruct him, to overcome his dislike of labor and of study, is to do him a real kindness, as well as to relieve society from the danger of his presence. But to take the boy who, though he has done wrong, may yet, very likely, be reclaimed without such punishment, to make him the associate of boys of the other class, to exclude him from the common intercourse of mankind during those years when, if ever, he must learn the great lesson of self-dependence, is, in the opinion of the undersigned, rather a cruelty than a kindness. The effect upon society is not likely to be good when young men are to be turned back upon it poor and friendless, and necessarily without those habits of self-reliance, which can only be taught by actual collision with the practical things of life. Surely bars and bolts, and cells, are not the best remedial agents for the boy whose misfortune is to be friendless, and when vagrancy is only the consequence of his having no home.

Again, if the State is to undertake to provide in this Institution for all boys who are not at present properly cared for, it will be necessary speedily to quadruple the present accommodations, and very large additional appropriations will be needed. Liberal as this State has been to its eleemosynary institutions, it may well be feared that the generosity of the people will be hesitating when it shall be required to expend several hundred thousand dollars for buildings, and to provide for a thousand boys at an expense of \$100,000 per annum.

The noble-hearted philanthropist, devoting his life and talents



to the reform of those who have wandered from the paths of virtue, is worthy of all honor. It is the agency of such men as he, more than anything else, perhaps, which carries the world on to a higher civilization. He is, however, necessarily more or less an enthusiast, and more or less liable to lose sight of some of the purposes which society has in view, in providing for the punishment of those who break its laws. His suggestions should be heard, his views should be considered, and so, perhaps, should those of the individual who, from the opposite extreme, insists that criminals are imprisoned solely to get rid of them, and to deter others from breaking the laws. Can there be a question that legislative duty and legislative sentiment ought to lie between these two extremes?

But what shall be done with the vagrant, homeless boy? If the State has the means, it would, perhaps, be proper to afford liberal aid or support to orphan asylums, "Homes for the Friendless," and other similar institutions different from the common poor house, and also greatly differing in their scope and object from the Reform School. Such institutions are in existence at many places in Europe and America, and have undoubtedly great success in preventing crime. There are such institutions in several of the eastern cities, and into them it is believed that the criminal convicted of a felony is never allowed to come. Houses of Refuge, similar to our institution, receive the class for which our school was provided.

It may be remarked that the principal occasion for the charitable institutions referred to, is found in large cities where they are supported by the city authorities, or by private subscription for the most part. The evil is greatly lessened in this State, by the exercise of the power given to directors and superintendents of the poor to bind pauper children by indentures, but in case of the change proposed, it seems probable that the temptation to rid the township or county of the trifling expense of supporting the pauper child till a proper place can be found for him, would induce the authorities to procure him to be sent here to the great



injury of the public, and probably also of the child. The very considerable expense of maintaining boys at this institution (over \$155 each per annum), and the small amount of their earnings, (less than \$21 each per annum), suggests that upon the score of economy there should be some cheaper way to provide for vagrant boys, and those who commit petty offences, than this.

The plan of giving to the Board of Control the power to send away boys "found incorrigible, or whose continuance in the school they may deem prejudicial to the management and discipline thereof," is believed to be wholly inconsistent with the object of the school. If, however, it shall be determined to admit those who are not really criminals, then, in the opinion of the undersigned, those who are, ought to be removed. If the bad boys, those who endanger the peace of society, are to be excluded from the Institution, it is probably intended to consign them to the State Prison, in which case the visitor there will be again compelled to see the child laboring beside the gray haired villain, and almost sure to be corrupted and ruined forever by the association. It cannot be that we shall deliberately return to this heartless and cruel mode of punishment! It cannot be that the boy of less than sixteen is ever totally incorrigible, or that his reformation is entirely hopeless!

The evident existing danger that the design and object of one of the best institutions in the State may be lost sight of, and its purpose wholly changed, will, perhaps, be a sufficient apology for the length of this report.

All which is respectfully submitted.

EUGENE PRINGLE.

Report accepted, and ordered printed in the journal.

The substitute, reported by the majority of the committee on judiciary, was adopted.

On motion of Mr. Lockwood,

The bill was ordered printed, referred to the committee of the whole, and placed on the general order.

By the judiciary committee :

The committee on the judiciary, to whom was referred



A bill to amend sections three to eleven, inclusive, of chapter 100 of the compiled laws, relative to referees,

Report that they have had the bill under consideration, and return the same without amendment, and recommend that it do pass, and ask to be discharged from the further consideration of the same.

THOS. W. LOCKWOOD, *Chairman.*

Report accepted and committee discharged.

The bill was ordered printed, referred to the committee of the whole, and placed on the general order.

By the judiciary committee :

The committee on the judiciary, to whom was referred

A bill to amend section five, of chapter 165, of the revised statutes of 1846, relative to challenges of jurors in certain criminal cases,

Respectfully report that they have had the said bill under consideration, and return the same to the House, with the recommendation that it do pass, and ask to be discharged from the further consideration thereof.

THOS. W. LOCKWOOD, *Chairman.*

Report accepted and committee discharged.

The bill was ordered printed, referred to the committee of the whole, and placed on the general order.

By the committee on judiciary :

The committee on the judiciary, to whom was referred

A bill relative to interest on contracts between citizens of this State and other States and countries, or payable elsewhere than in this State,

Respectfully report that they have had the same under consideration, report it back with the recommendation that it do pass, and ask to be discharged from the further consideration of the subject.

THOS. W. LOCKWOOD, *Chairman.*

Report accepted and committee discharged.



The bill was ordered printed, referred to the committee of the whole and placed on the general order.

By the committee on judiciary :

The judiciary committee to whom was referred

A bill to repeal chapter 122, of the revised statutes of 1846, and the amendments thereto, and to provide for the collection of demands against water craft,

Respectfully report that they have had the same under consideration, and report the said bill back to the House without amendment, with the recommendation that it do pass, and ask to be discharged from the further consideration of the same.

THOS. W. LOCKWOOD, *Chairman.*

Report accepted and committee discharged.

The bill was ordered printed, referred to the committee of the whole, and placed on the general order.

By the committee on banks and incorporations :

The committee on banks and incorporations have had under consideration the "petition of the board of supervisors of Houghton county, for repeal of all laws imposing a specific tax on Lake Superior," respectfully report that upon examination they find the resolutions of the Board to ask of the legislature these things :

1st. An act for the more speedy adjustment of the specific taxes between the State and the county;

2d. The payment to the county of the taxes imposed on the lands of the Sault Ste Marie canal company;

3d. An appropriation from the specific taxes to build certain roads;

And that no question is raised in regard to the changing of the laws which impose specific taxes on mining companies.

None of the objects sought are such as relate to banks or incorporations, and hence the committee report the same back to the House, and respectfully request a reference of the same to the committee upon ways and means, and ask to be discharged from the further consideration of the same.

EUGENE PRINGLE, *Chairman.*



Report accepted, and committee discharged.

On motion of Mr. Childs,

The recommendations of the committee were concurred in, and the petition was so referred.

By the committee on federal relations:

The committee on federal relations, to whom was referred Senate joint resolution, entitled

Joint resolution on the state of the Union,

Have unanimously instructed me to report the same back to the House with the following amendments: strike out the preamble and three first resolutions, and insert in place thereof the preamble and first joint resolution passed by the House on the same subject; and when so amended the committee unanimously recommend their passage, and ask to be discharged.

W. T. HOWELL, *Chairman.*

Report accepted and committee discharged.

On motion of Mr. Sessions,

The House concurred in the amendments made by the committee.

On motion of Mr. Howell,

The joint resolution was ordered to a third reading.

By the committee on ways and means :

The committee of ways and means, to whom was referred Senate bill No. 6, entitled

A bill to provide for the payment of members and officers of the Legislature of 1861,

Have instructed me to report the same back with an amendment thereto, and, when so amended, recommend its passage, and ask to be discharged from the further consideration of the same.

J. F. JOY, *Chairman.*

Report accepted and committee discharged.

On motion of Mr. Sessions,

The House concurred in the amendment made by the committee.



The bill was referred to the committee of the whole and placed on the general order.

By the committee on engrossment and enrollment :

The committee on engrossment and enrollment, report as correctly enrolled, signed and presented to the Governor, the following bills:

A bill to legalize the tax roll of the township of Ionia, in the county of Ionia, and to authorize the collection of the same;

Also,

A bill to provide for the collection and return of taxes by township treasurers in newly organized counties in certain cases;

Also,

A bill to extend the time for the collection of taxes in the township of Holland, in the county of Ottawa, for the year one thousand eight hundred and sixty.

L. P. ALEXANDER, *Acting Chairman.*

Report accepted.

By the committee on State Library :

The committee on State Library, to whom was referred the petition of A. Winchell, praying that certain volumes of scientific works may be transferred from the State Library to that of the University,

Would respectfully represent that by previous action of the legislature, volumes of certain scientific works have been transferred from the State Library to that of the University ; that certain additional volumes have since been received at the State Library, which are greatly needed at the University, not only for the completion of sets, but for frequent reference by Professors and students ; that one of the volumes soon to be received is the third volume of the Palaeontology of New York, which will be essential in the prosecution of the geological survey. Your committee would therefore recommend that such volumes as are now or hereafter may be in the State Library, belonging to the United States Exploring Expedition, to the



natural history of New York, or other works which, as far as published, have heretofore been transferred to the University library, may now be ordered transferred to its library until the sets are completed.

All of which is respectfully submitted.

L. MILLER, *Chairman.*

Report accepted and committee discharged.

By the committee on engrossment and enrollment :

The committee on engrossment and enrollment report as correctly engrossed, the following bills :

A bill to authorize the Fort Street Presbyterian Church, of Detroit, to hold certain property ;

Also,

A bill to amend section 8, of chapter 38, of the revised statutes of 1846, as amended by an act entitled an act to amend chapter 40 of the compiled laws, relative to the support of poor persons by the public, approved February 11, 1859 ;

Also,

A bill to amend an act entitled an act for the protection of game in the State of Michigan, approved Feb. 14, 1859, being act No. 176, of the session laws of 1849.

L. P. ALEXANDER, *Acting Chairman.*

Report accepted, and the several bills ordered to a third reading.

#### MOTIONS, RESOLUTIONS AND NOTICES.

Mr. Sessions offered the following :

*Resolved*, That the report of the committee on federal relations, relative to the state of the Union, be ordered printed.

Which was adopted.

Mr. Cutcheon gave notice that on some future day he would ask leave to introduce

A bill to amend sec. 24, of chapter 108, of the compiled laws.

Mr. Douglas gave notice that on some future day he would ask leave to introduce

A bill to organize the town of Hancock, in the county of Houghton;



Also,

A bill to legalize the tax rolls of the townships of Copper Harbor, Eagle Harbor, Houghton, Portage and L'Anse, in the county of Houghton, for the years eighteen hundred and fifty-eight, fifty-nine and sixty.

Mr. Lockwood, by unanimous consent, introduced

A bill to amend an act entitled an act to amend sections 13 and 15, of an act entitled an act relative to free schools in the city of Detroit, approved February 17, 1842, being No. 3 of the session laws of 1855, and approved January 20, 1855.

The bill was read a first and second time by its title, and referred to the committee on education.

Mr. Gregory, unanimous consent being given, introduced

A bill to authorize fractional school district No. 3, of the townships of Sylvan and Lima, county of Washtenaw, to issue bonds.

The bill was read a first and second time by its title, and referred to the committee on the judiciary.

Mr. Persons, previous notice having been given, and leave being granted, introduced

A bill to lay out and establish a State road from Sauble river to Cheboygan, in Cheboygan county.

The bill was read a first and second time by its title and referred to the committee on public lands.

Mr. Hill, previous notice having been given, and leave being granted, introduced

A bill requiring the Auditor General to report to county treasurers lists of delinquent lands sold by him or redeemed at his office, and the amount received therefor.

The bill was read a first and second time by its title, and referred to the committee on ways and means.

Mr. Hill, unanimous consent being given, introduced

Joint resolution in relation to swamp lands.

The joint resolution was read a first and second time by its title, and referred to the committee on public lands.



Mr. Morrison asked and obtained leave of absence for himself for an indefinite period, on account of sickness.

Mr. Pringle gave notice that on some future day he would ask leave to introduce

A bill to amend section 6, of chapter 87, of the revised statutes of 1846, (section 3343 of compiled laws.)

Mr. Howell moved to take from the table the resolution authorizing the Speaker to appoint a reporter for the House ;

Which motion prevailed.

The question recurring upon the adoption of the resolution, Mr. Shank moved to lay the resolution on the table ;

Which motion prevailed.

Mr. Sessions gave notice that on some future day he would ask leave to introduce

A bill to protect the owners of sheep against damages done by dogs.

Mr. Sessions moved a call of the House.

The call was seconded.

The Clerk called the roll, and a quorum being present,

On motion of Mr. Sessions,

All further proceedings under the call were dispensed with.

Mr. Sessions moved to take from the table House bill, entitled

A bill to extend the time for the collection of taxes for the year 1860;

Which motion prevailed.

Mr. Sessions then moved that the rules be suspended, and the bill placed on its final passage;

Which motion prevailed.

The bill was then read a third time and passed, a majority of all the members elect voting therefor, by yeas and nays, as follows :

#### YEAS.

Mr. Baker,  
Brownell,  
Childs,  
Choate,  
Cooley,

Mr. Hill,  
Hodges,  
Hood,  
Howell,  
Jones,

Mr. Shank,  
Shanahan,  
Smith,  
W. N. Stevens,  
A. Stevens,



Cox,	Joy,	Stoddard,	
Outcheon,	Lockwood,	Taylor,	
A. W. Davis,	Miller,	Toll,	
C. Davis,	Morrison,	Wallin,	
Douglas,	Persons,	Waterbury,	
Fowle,	Peters,	Wetherby,	
Goodrich,	Phelps,	T. M. Wilson,	
Gregory,	Piper,	J. B. Wilson,	
N. K. Green,	Pratt,	Winans,	
Hadley,	Ramsdell,	Woodward,	
Haire,	Read,	Wright,	
Hemingway,	Sessions,	Speaker,	51
NAYS.			
Mr. Adams,	Mr. Gilbert,	Mr. Pringle,	
Alexander,	Hurd,	Strong,	
Beamer,	Leetch,	Tibbits,	
Chase,			10

Title agreed to.

On motion of Mr. Childs,

By a vote of two-thirds of all the members elect the bill was ordered to take immediate effect.

#### THIRD READING OF BILLS AND JOINT RESOLUTIONS.

Senate bill, entitled

A bill to extend the time for the collection of taxes in the townships of Clyde, Columbus and St. Clair, in the county of St. Clair,

Being under consideration,

On motion of Mr. Howell,

The bill was laid on the table.

Senate bill, entitled

A bill to extend the time for the collection of taxes in the townships of Clay, Kimball and Riley, in the county of St. Clair,

Being under consideration,

On motion of Mr. Sessions,

The bill was laid on the table.

House bill, entitled

A bill to extend the time for the collection of drain and ditch tax in the townships of Brownstown and Romulus, in the county of Wayne,



Was read a third time and passed, a majority of all the members elect voting therefor, by yeas and nays, as follows :

## YEAS.

Mr. Adams,	Mr. Hemingway,	Mr. Shank,
Alexander,	Hill,	Shanahan,
Beamer,	Hodges,	Smith,
Chase,	Hood,	W. N. Stevens,
Childs,	Howell,	A. Stevens,
Choate,	Jones,	Strong,
Chapoton,	Joy,	Taylor,]
Cooley,	Leetch,	Tibbits,
Cox,	Lockwood,	Toll,
Cutcheon,	Miller,	Wallin,
A. W. Davis,	Morrison,	Waterbury,
O. Davis,	Persons,	Wetherby,
Douglas,	Peters,	T. M. Wilson,
Fowle,	Phelps,	J. B. Wilson,
Gilbert,	Piper,	Winans,
Goodrich,	Pratt,	Woodward,
Gregory,	Pringle,	Wright,
N. K. Green,	Ramsdell,	Speaker,
Hadley,	Sessions,	
	NAYS.	56
		0

Title agreed to.

On motion of Mr. Tibbits,

By a vote of two-thirds of all the members elect, the bill was ordered to take immediate effect.

House bill, entitled

A bill to transfer the general supervision and government of the State Agricultural College from the State Board of Education, to a State Board of Agriculture,

Was read a third time and passed, a majority of all the members elect voting therefor, by yeas and nays, as follows :

## YEAS.

Mr. Adams,	Mr. Haire,	Mr. Shank,
Alexander,	Hemingway,	Shanahan,
Baker,	Hill,	Smith,
Beamer,	Hodges,	W. N. Stevens,
Chase,	Hood,	A. Stevens,
Childs,	Hurd,	Stoddard,
Choate,	Jones,	Taylor,
Chapoton,	Joy,	Tibbits,



Cooley,  
Cox,  
Cutcheon,  
A. W. Davis,  
O. Davis,  
Douglas,  
Fowle,  
Gilbert,  
Goodrich,  
N. K. Green,  
Hadley,

Leetch,  
Lockwood,  
Miller,  
Morrison,  
Persons,  
Peters,  
Phelps,  
Piper,  
Pratt,  
Pringle,  
Sessions,

Toll,  
Wallin,  
Waterbury,  
Wetherby,  
T. M. Wilson,  
J. B. Wilson,  
Winans,  
Woodward,  
Wright,  
Speaker,

56

## NAYS.

Mr. Gregory,

1

Pending the announcement of the vote,

Mr. A. W. Davis moved that Mr. Gregory be excused from voting ;

Which motion did not prevail.

Mr. Gregory then voted as recorded above.

Title agreed to.

On motion of Mr. Childs,

By a vote of two-thirds of all the members elect, the bill was ordered to take immediate effect.

House bill, entitled

A bill to amend an act entitled an act for the protection of game in the State of Michigan, approved February 14, 1859, being act No. 176 of the session laws of 1859,

Being under consideration,

Mr. A. W. Davis moved a call of the House;

Which motion did not prevail.

Mr. Howell then moved to commit the bill to the committee on education;

Mr. Jones moved to amend by striking out "education" and inserting "federal relations;"

Which motion prevailed.

The motion to commit prevailed, and the bill was referred to the committee on federal relations.

Mr. Howell then moved to reconsider the vote by which the bill was committed;



Mr. Howell moved to lay the motion to reconsider on the table;

Which motion did not prevail.

The motion to reconsider the motion by which the bill was ordered committed did not prevail.

House bill, entitled

A bill to amend section 8, of chapter 38, of the revised statutes of 1846, as amended by an act entitled an act to amend chapter 40 of the compiled laws, relative to the support of poor persons by the public, approved February 11, 1859,

Was read a third time and passed, a majority of all the members elect voting therefor, by yeas and nays, as follows :

YEAS.

Mr. Adams,	Mr. Haire,	Mr. Shank,
Alexander,	Hemingway,	Shanahan,
Baker,	Hill,	Smith,
Beamer,	Hood,	A. Stevens,
Chase,	Howell,	Stoddard,
Childs,	Hurd,	Strong,
Chapoton,	Jones,	Taylor,
Cooley,	Joy,	Toll,
Cutcheon,	Lockwood,	Wallin,
C. Davis,	Morrison,	Waterbury,
Douglas,	Persons,	T. M. Wilson,
Fowle,	Phelps,	J. B. Wilson,
Gilbert,	Pratt,	Winans,
Goodrich,	Pringle,	Woodward,
Gregory,	Ramsdell,	Wright,
Hadley,	Read,	47

NAYS.

Mr. Choate,	Mr. Leetch,	Mr. W. N. Stevens,
Cox,	Miller,	Tibbits,
A. W. Davis,	Peters,	Wetherby,
N. K. Green,	Piper,	Speaker,
Hodges,	Sessions,	14

Title agreed to.

House bill, entitled

A bill to authorize the Fort Street Presbyterian Church, of Detroit, to hold certain property,

Was read a third time and passed, a majority of all the members elect voting therefor, by yeas and nays, as follows :



## YEAS.

Mr. Adams,	Mr. Hemingway,	Mr. Sessions,
Alexander,	Hill,	Shank,
Baker,	Hodges,	Shanahan,
Beamer,	Hood,	Smith,
Chase,	Howell,	W. N. Stevens,
Childs,	Hurd,	A. Stevens,
Choate,	Jones,	Stoddard,
Chapoton,	Joy,	Strong,
Cooley,	Leetch,	Taylor,
Cox,	Lockwood,	Tibbits,
Cutcheon,	Miller,	Toll,
A. W. Davis,	Morrison,	Wallin,
C. Davis,	Persons,	Waterbury,
Douglas,	Peters,	Wetherby,
Fowle,	Phelps,	T. M. Wilson,
Gilbert,	Piper,	J. B. Wilson,
Goodrich,	Pratt,	Winans,
Gregory,	Pringle,	Woodward,
N. K. Green,	Ramsdell,	Wright,
Hadley,	Read,	Speaker,
Haire,		

## NAYS

0

Title agreed to.

On motion of Mr. Joy,

By a vote of two-thirds of all the members elect, the bill was ordered to take immediate effect.

Mr. Piper moved that the House take a recess until 2 o'clock this afternoon;

Which motion did not prevail.

House bill, entitled

A bill to amend sections 9 and 34, of chapter 103, of the revised statutes of 1846, compiled laws, vol. 2, sections 4351 and 4375,

Was read a third time and passed, a majority of all the members elect voting therefor, by yeas and nays, as follows :

## YEAS.

Mr. Adams,	Mr. Hemingway,	Mr. Sessions,
Alexander,	Hill,	Shank,
Baker,	Hodges,	Shanahan,
Beamer,	Hood,	Smith,



Chase,  
Childs,  
Choate,  
Chapoton,  
Cox,  
Cutcheon,  
A. W. Davis,  
O. Davis,  
Douglas,  
Fowle,  
Gilbert,  
Goodrich,  
Gregory,  
N. K. Green,  
Hadley,  
Haire,

Howell,  
Hurd,  
Jones,  
Joy,  
Leetch,  
Lockwood,  
Miiler,  
Morrison,  
Persons,  
Peters,  
Phelps,  
Piper,  
Pratt,  
Pringle,  
Ramsdell,  
Read,

W. N. Stevens,  
A. Stevens,  
Stoddard,  
Strong,  
Taylor,  
Tibbits,  
Toll,  
Wallin,  
Waterbury,  
Wetherby,  
T. M. Wilson,  
J. B. Wilson,  
Winana,  
Woodward,  
Wright,  
Speaker, 60

NAYS.

Mr. Cooley,

1

Title agreed to.

Mr. Tibbits moved that the bill be ordered to take immediate effect ;

Which motion did not prevail.

Mr. Hemingway moved that the House take a recess until 2 o'clock ;]

Which motion did not prevail.

House bill, entitled

A bill to confirm deeds and instruments intended for the conveyance of real estate in certain cases,

Was read a third time and passed, a majority of all the members elect voting therefor, by yeas and nays, as follows :

YEAS.

Mr. Adams,  
Alexander,  
Baker,  
Beamer,  
Chase,  
Childs,  
Choate,  
Chapoton,  
Cooley,  
Cox,  
Cutcheon,

Mr. Haire,  
Hemingway,  
Hill,  
Hodges,  
Hood,  
Howell,  
Hurd,  
Jones,  
Joy,  
Leetch,  
Lockwood,

Mr. Sessions,  
Shank,  
Shanahan,  
Smith,  
W. N. Stevens,  
A. Stevens,  
Stoddard,  
Strong,  
Taylor,  
Tibbits,  
Toll,



A. W. Davis,  
O. Davis,  
Douglas,  
Fowle,  
Gilbert,  
Goodrich,  
Gregory,  
N. K. Green,  
Hadley,

Morrison,  
Persons,  
Peters,  
Phelps,  
Piper,  
Pratt,  
Pringle,  
Ramsdell,  
Read,

Wallin,  
Waterbury,  
Wetherby,  
T. M. Wilson,  
J. B. Wilson,  
Winans,  
Woodward,  
Wright,  
Speaker.

60

NAYS.

0

Title agreed to.

On motion of Mr. Joy,

The House took a recess until 2 o'clock this afternoon.

—  
AFTERNOON SESSION.

2 o'clock P. M.

House met and was called to order by the Speaker.

Roll called : quorum present.

Mr. Cutcheon asked and obtained leave of absence for the committee on geological survey, for an hour or more.

MESSAGES FROM THE SENATE.

By unanimous consent the Speaker announced the following:

SENATE CHAMBER,  
Lansing, January 22, 1861. }

*To the Speaker of the House of Representatives :*

SIR:—I am instructed to return to the House the following entitled bill :

A bill to amend section 4 of an act entitled an act supplementary to an act to define the limits, jurisdiction and powers of Circuit Courts, approved April 8, 1851; and to repeal an act supplementary to said act, approved June 27, 1851, which act, hereby amended, was approved Feb. 16, 1853, being section 3438 of compiled laws, providing for bills of exception in certain cases,



In the passage of which, the Senate has non-concurred, by striking out all after the enacting clause.

Very respectfully,

A. B. TURNER,

*Secretary of the Senate.*

Mr. Howell moved that the House insist upon the passage of the bill ;

Which motion prevailed, by yeas and nays, as follows :

YEAS.

Mr. Adams,	Mr. Hill,	Mr. Shank,	
Baker,	Hodges,	Shanahan,	
Beamer,	Hood,	Smith,	
Brownell,	Howell,	W. N. Stevens,	
Chase,	Hurd,	A. Stevens,	
Childs,	Jones,	Stoddard,	
Choate,	Joy,	Strong,	
Chapoton,	Kelsey,	Taylor,	
Cooley,	Lockwood,	Tibbits,	
A. W. Davis,	Miller,	Wallin,	
C. Davis,	Persons,	Waterbury,	
Douglas,	Peters,	Wetherby,	
Gilbert,	Phelps,	T. M. Wilson,	
Goodrich,	Piper,	J. B. Wilson,	
Gregory,	Pringle,	Winans,	
N. K. Green,	Ramsdell,	Woodward,	
Hadley,	Read,	Wright,	
Haire,	Sessions,	Speaker,	
Hemingway,			55

NAYS.

0

Mr. Howell moved that a committee of conference be appointed on the part of the House;

Which motion prevailed.

The Speaker appointed Messrs. Howell and Joy as such committee.

Also the following:

SENATE CHAMBER, }  
Lansing, January 22, 1861. }

*To the Speaker of the House of Representatives:*

SIR—I am instructed by the Senate to return the following entitled bills :



A bill to provide for the restoration of lost records, papers, and proceedings in courts of record;

Also,

A bill to compel the service of process by certain ministerial officers;

Which the Senate has amended by inserting the word "village," after the word "city," in line two.

In the passage of which, as amended, the Senate has concurred by a majority vote of all the Senators elect.

Very respectfully,

A. B. TURNER,

*Secretary of the Senate.*

Mr. Lockwood moved that the House concur in the amendment;

Which motion prevailed, by yeas and nays, as follows:

YEAS.

Mr. Adams,	Mr. Hill,	Mr. Shank,	
Baker,	Hodges,	Shanahan,	
Beamer,	Hood,	Smith,	
Brownell,	Howell,	W. N. Stevens,	
Chase,	Hurd,	Stoddard,	
Childs,	Jones,	Strong,	
Choate,	Joy,	Taylor,	
Chapoton,	Leetch,	Tibbits,	
A. W. Davis,	Lockwood,	Wallin,	
C. Davis,	Miller,	Waterbury,	
Douglas,	Persons,	Wetherby,	
Gilbert,	Phelps,	T. M. Wilson,	
Goodrich,	Piper,	J. B. Wilson,	
Gregory,	Pratt,	Winans,	
N. K. Green,	Pringle,	Woodward,	
Hadley,	Ramsdell,	Wright,	
Haire,	Read,	Speaker,	
Hemingway,	Sessions,		53

NAYS.

0

The bills were referred to the committee on enrollment and engrossment.

Also the following:



SENATE CHAMBER,  
Lansing, January 22, 1861. }

*To the Speaker of the House of Representatives:*

SIR:—I am instructed by the Senate to transmit the following entitled bills:

1. A bill to repeal an act to amend an act entitled an act to amend chapter 23, of the revised statutes of 1846, relative to highway taxes, approved April 2, 1850;

2. A bill to amend sections 4339, 4340, 4341, 4342, of the compiled laws, in relation to the competency of witnesses and examination of parties in certain cases;

3. A bill to amend sections 7, 13 and 21, of chapter 12, of the revised statutes, being sections 154, 160 and 173, of compiled laws;

Which have passed the Senate by a majority vote of all the Senators elect, and in which the concurrence of the House is respectfully asked.

Very respectfully,

A. B. TURNER,

*Secretary of the Senate.*

The first and second named bills were read a first and second time by their titles, and referred to the judiciary committee.

The third named bill was read a first and second time by its title, and referred to the committee on ways and means.

#### THIRD READING OF BILLS AND JOINT RESOLUTIONS.

Senate joint resolution, entitled

Joint resolution relative to the state of the Union,

Was read a third time and passed, a majority of all the members elect voting therefor, by yeas and nays, as follows:

#### YEAS.

Mr. Adams,  
Baker,  
Beamer,  
Chase,  
Childs,  
Chapoton,

Mr. Howell,  
Hurd,  
Jones,  
Joy,  
Leetch,  
Lockwood,

Mr. Shank,  
Shanahan,  
Smith,  
W. N. Stevens,  
A. Stevens,  
Stoddard,



A. W. Davis,  
C. Davis,  
Goodrich,  
N. K. Green,  
Haire,  
Hemingway,  
Hill,  
Hodges,  
Hood,

Miller,  
Persons,  
Phelps,  
Piper,  
Pratt,  
Pringle,  
Ramsdell,  
Read,  
Sessions,

Taylor,  
Tibbits,  
Wallin,  
Waterbury,  
Wetherby,  
T. M. Wilson,  
Woodward,  
Wright,  
Speaker, 45

## NAYS.

Mr. Brownell,  
Choate,  
Cooley,  
Douglas,

Mr. Gilbert,  
Gregory,  
Hadley,

Mr. Strong,  
J. B. Wilson,  
Winans, 10

Title and preamble agreed to.

On motion of Mr. Howell,

The House went into committee of the whole on the

## GENERAL ORDER,

Mr. Shank in the chair.

After some time spent thereon, the committee rose, and through their chairman reported as follows :

The committee of the whole have had under consideration

1. A bill to provide for the payment of the members and officers of the Legislature, for the year 1861,

Which they have amended.

2. A bill to authorize appeals to circuit and district courts from special proceedings before justices of the peace,

Which they have amended.

3. A bill to amend an act entitled an act to authorize the incorporation of bridge companies, approved April 4, 1851, by adding two sections thereto,

To which they have made no amendments.

4. A bill to provide for publishing the statistics of the State of Michigan, taken by authority of the United States in the year one thousand eight hundred and sixty,

Which they have amended, and struck out all after the enacting clause.

In all of which the concurrence of the House is respectfully



asked, and that the committee be discharged from the further consideration of the same.

Report accepted and committee discharged.

On motion of Mr. Childs,

The amendments to the first named bill were concurred in, *in gross*.

On motion of Mr. Howell,

The rules were suspended, and the bill placed on its final passage.

The bill, being Senate bill, entitled

A bill to provide for the payment of the members and officers of the Legislature for the year 1861,

Was read a third time and passed, a majority of all the members elect voting therefor, by yeas and nays, as follows :

#### YEAS.

Mr. Adams,	Mr. N. K. Green,	Mr. Ramsdell,
Alexander,	Hadley,	Read,
Baker,	Haire,	Shank,
Beamer,	Hemingway,	Shanahan,
Brownell,	Hill,	Smith,
Chase,	Hodges,	W. N. Stevens,
Childs,	Hood,	A. Stevens,
Choate,	Howell,	Stoddard,
Chapoton,	Hurd,	Strong,
Cooley,	Joy,	Taylor,
Cox,	Leetch,	Tibbits,
Cutcheon,	Lockwood,	Wallin,
A. W. Davis,	Miller,	Waterbury,
C. Davis,	Persons,	Wetherby,
Fowle,	Phelps,	J. B. Wilson,
Gilbert,	Piper,	Woodward,
Goodrich,	Pratt,	Speaker,
Gregory,	Pringle,	

58

#### NAYS.

Mr. Sessions,	Mr. Winans.	Mr. Wright,	3
---------------	-------------	-------------	---

Title agreed to.

Mr. Childs moved that the bill be ordered to take immediate effect.

Which motion did not prevail.



Mr. Howell moved to reconsider the vote by which the bill was passed ;

Which motion was withdrawn. .

Mr. Gilbert moved to reconsider the vote by which the House refused to order the bill to take immediate effect ;

Which motion prevailed.

The question recurring upon the adoption of the motion ordering the bill to take immediate effect,

Mr. Shank moved a call of the House,

Which motion prevailed.

The Clerk called the roll, and Messrs. Jones, Peters and T. M. Wilson were reported absent without leave.

On motion of Mr. Shank,

The Sergeant-at-Arms was dispatched after the absentees.

Mr. Shank moved that all further proceedings under the call be dispensed with ;

Which motion did not prevail.

After a short absence, the Sergeant-at-Arms announced Messrs. T. M. Wilson and Peters at the bar of the House, who were admitted, made their excuses, were excused, and permitted to take their seats.

On motion of Mr. Cutcheon,

All further proceedings under the call were dispensed with.

The question being upon ordering the bill, entitled

A bill to provide for the payment of the members and officers of the legislature for the year 1861,

To take immediate effect, by a vote of two-thirds of all the members elect, it was so ordered.

The House concurred in the amendments made to the second named bill.

The bill was ordered engrossed for a third reading.

The third named bill was placed on the order of third reading.

On motion of Mr. Joy,

The amendments to the fourth named bill, except striking out all after the enacting clause, were concurred in, in gross.



The question recurring upon the amendment to strike out all after the enacting clause,

On motion of Mr. Sessions,

The bill was laid on the table.

On motion of Mr. Howell,

The House adjourned till to-morrow morning at 10 o'clock.

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*Lansing, Wednesday, January 23, 1861.*

House met pursuant to adjournment, and was called to order by the Speaker.

Prayer by Rev. Mr. Meyer.

Roll called: quorum present.

Mr. Toll presented the credentials of Mr. Ebenezer Warner, as the member elect from Marquette and Chippewa counties.

The credentials were received, and Mr. Warner came forward, subscribed to the constitutional oath of office, was sworn in, and took his seat as a Member of the Legislature of the State of Michigan.

PETITIONS PRESENTED.

By Mr. T. M. Wilson: petition of Austin C. Hewitt, and others, for a law to provide for a county superintendent of schools;

Also, petition of William Jenny and 17 others, for the same purpose.

Referred to the committee on education.

By Mr. Joy: remonstrance of H. D. Kitchell and 23 others, against giving the common council of the city of Detroit power to appropriate money for celebrating the 4th of July;

Also, remonstrance of H. Burdick and 10 others, for the same purpose.

Referred to the committee on banks and incorporations.

By Mr. Ramsdell: remonstrance of J. E. Fisher and 54 others, against the organization of Leelanaw county;

Also, petition of Joseph Dame and 66 others, praying for the organization of Leelanaw county;

Also, petition of Shan-wan-das-see and 13 others, praying for



the organization of a certain township in the county of Emmet.

The petitions were severally referred to the committee on towns and counties.

By Mr. Joy : petition of J. E. King and 22 others, praying for the restoration of the liquor law as originally passed ;

Also, petition of H. D. Kitchell, Wm. Hogarth and 25 others, for the same purpose.

Referred to the committee on judiciary.

By Mr. Sessions : petition of the treasurer of the township of Boston, Ionia county, for an extension of the time for the collection of taxes in said township.

On motion of Mr. Howell,

The petition was laid on the table.

By Mr. Shank : petition of D. L. Case and 188 others, freeholders of Ingham, Clinton and Shiawassee counties, praying that three commissioners be appointed and empowered to lay out and open a certain road.

Referred to the committee on roads and bridges.

#### REPORTS OF STANDING COMMITTEES.

By the committee on education :

The committee on education to whom was referred

A bill to amend an act entitled an act to amend sections 13 and 15 of an act entitled an act relative to free schools in the city of Detroit, approved Feb. 17, 1842, being No. 3 of the session laws of 1855, and approved January 20, 1855,

Have had the same under consideration, and directed me to report the same back to the House without amendment, and recommend that the bill do pass, and ask to be discharged from the further consideration thereof.

B. L. HILL, *Chairman.*

Report accepted and committee discharged.

The bill was referred to the committee of the whole, and placed on the general order.

By the judiciary committee:



The committee on the judiciary, to whom was referred sundry petitions, and

A bill to authorize fractional school district No. 8, of the townships of Sylvan and Lima, county of Washtenaw, to issue bonds,

Respectfully report that they have amended the same, and are of the opinion that the prayer of the petitioners should be granted upon the terms proposed in the amendments to the bill referred to the committee, and herewith submitted, and recommend that when so amended, said bill do pass, and ask to be discharged from the further consideration thereof.

THOS. W. LOCKWOOD, *Chairman.*

Report accepted and committee discharged.

On motion of Mr. Gregory,

The House concurred in the amendments made by the committee.

The bill was ordered printed, referred to the committee of the whole, and placed on the general order.

By the committee on the judiciary :

The committee on the judiciary have had under consideration

A bill to amend section 18, of chapter 94, of the revised statutes, being section 3941 of the compiled laws of 1857,

And respectfully report a substitute for said bill, entitled

A bill to amend sections 8, 16 and 18, of chapter 94 of the revised statutes of 1846, the same being chapter 118 of compiled laws,

Recommend that the said substituted bill do pass, and ask to be discharged from the further consideration of the same.

THOS. W. LOCKWOOD, *Chairman.*

Report accepted and committee discharged.

On motion of Mr. Pringle,

The substitute offered by the committee was adopted.

The bill was ordered printed, referred to the committee of the whole and placed on the general order.

By the judiciary committee:



The judiciary committee, to whom was referred Senate bill, entitled

A bill to change the name of Clarissa Melissa Wing to Clara Barnes,

Respectfully report the same back to the House, with an amendment, which is herewith submitted, requiring an act of adoption by the responsible persons who apply for the change of name, substantially in accordance with the first section of a general law heretofore reported to this House, and recommend that when so amended the bill do pass, and ask to be discharged from the further consideration of the subject.

THOS. W. LOCKWOOD, *Chairman.*

Report accepted and committee discharged.

On motion of Mr. Sessions,

The House concurred in the amendment made by the committee.

The bill was referred to the committee of the whole and placed on the general order.

By the committee on engrossment and enrollment:

The committee on engrossment and enrollment report as correctly enrolled, signed and presented to the Governor, the following entitled bills:

A bill to provide for the restoration of lost records, papers, or other proceedings, in courts of record ;

Also,

A bill to compel the service of process by certain ministerial officers.

L. P. ALEXANDER, *Acting Chairman.*

Report accepted.

By the majority of the committee on judiciary :

The majority of the committee on the judiciary to whom was referred

A bill to regulate the interest on money loaned, and other contracts and liabilities,

Respectfully report that they have considered the same and



do not agree to the principle or policy of the bill referred to them. The bill proposes to fix the rate of interest, in all cases, at seven per cent., without allowing the parties to contract for any larger rate. We do not believe that in a new and growing State like our own, where a much larger amount of capital than our own citizens possess is actually required for active use, we can afford to dispense with the capital, which is now invited amongst us, by the privilege of making loans at ten per cent. interest, especially when neighboring States in the West have legalized even higher rates. Neither do we approve the policy of the other sections of the bill referred to us, which proposes to declare utterly void all interests by which any usurious or illegal rate of interest is usured or taken, and under which a party may, as has been elsewhere done, tempt a neighbor by an offer of a high rate of interest to loan him money, and then under the cover of this law, turn around and cheat him out of the whole of it. But your committee have considered that perhaps there was hardly a sufficient penalty attached to the law on this subject as it now stands, and therefore herewith submit a substitute for the bill referred to them, which forfeits the entire interest in cases where an excessive rate is usured or taken, and deprives the plaintiff in such case of his costs, and gives costs to the defendant unless the plaintiff shall have offered to remit the excessive interest before suit brought.

THOS. W. LOCKWOOD, *Chairman.*

Report accepted, and leave granted the minority of the committee to report.

By the minority of the committee on judiciary :

The undersigned, minority of the committee on judiciary, to whom was referred,

A bill to regulate the interest on money loaned, and on other contracts and liabilities,

Dissenting from the views of a majority of the committee, beg leave respectfully to present to the House his reasons for such dissent. The regulation of interest is a question of



public policy and of political economy, upon which there is a diversity of sentiment, and demands an authentic interpretation on the part of the Legislature. Labor is the legitimate source of all wealth, and although it does not require and direct legislation for its protection, it has a right to require that no fictitious system shall be inaugurated by legislative authority, that shall have an inevitable tendency to levy contributions upon, or pledge the labor of the country in advance to make up the deficiencies, or supply the place of actual capital in sustaining a system of special privileges, produced by partial or scheming legislation. In the very nature of our social system, two antagonistic interests are developed, and each strives for the mastery—Labor on the one hand, the natural source of all wealth—and special privileges on the other, the artificial creation of legislative enactments.

As these opposite interests must and will necessarily exist, a question of political economy is presented for the consideration of the Legislature, how far it will interfere in restraining the one, or promoting the other.

Underlying this whole subject is the rate of interest, especially the interest upon money loaned.

Many interested theorists contend that "money, like any other commodity, should seek its value in the market." But is money a "commodity?" A moment's reflection will dispel this false theory. Money is the *standard* of value, and in this respect unlike any other article of property offered in the market, and it is equally the right and the duty of the Legislature to provide against an *unwholesome* system of finance, as it is to provide against the sale of unwholesome provisions—each vitally affects the interests of society, and each has equal claims upon the consideration of the Legislature.

Experience fully demonstrates that no legitimate business can be successfully prosecuted when the party pays a higher rate of interest than 7 per cent., and it is equally true that any excess of interest that a legitimate business will not sustain, is indirectly levied upon the labor of the country, thus controlling



by artificial means, and with legislative sanction, that which is the inherent and natural right of the laborer and producer.

An unlimited rate of interest, as we have at this time, encourages the withdrawal of capital from trade and the development of our material resources, and encourages a preying upon the *necessities* of our people in order to secure the means to indulge in luxury and idleness, and thus poisoning the manners and morals of society by the contaminating influence of their example.

The labor of the country is groaning under the burdens imposed by unrestrained lenders, and in this, demand legislative interference, as well for the protection of their rights as for the settlement of a sound financial policy.

There is another view of this subject which equally demands our consideration. The interests of Michigan demand a sound, well-guarded banking system, and all agree that the rate of interest taken by banks should be regulated by law, with stringent provisions. The financial history of the country fully proves that where individual lenders are not restrained in the rate of interest, by effective provisions of law, the banks will, from necessity or choice, place their money in the hands of such individuals to be loaned; or if they should refuse, their money will be thrown back upon them for redemption, and by that means render these institutions useless to the public. In such cases, ordinary business men and small dealers would be turned over to the consuming rapacity of bank brokers and shaving agents. When business men are obliged to loan money, they require uniformity and stability in their accommodations which can never be the case when the different lenders have different legal rights.

The bill herewith reported by the undersigned contains all the stringent provisions of the New York usury law on that subject, without any criminal punishment, and believing that the interests of the people of Michigan will be thereby promoted, he respectfully recommends its passage.

W. T. HOWELL.



Report accepted and committee discharged.

Mr. Pringle moved that the substitute offered by the majority of the committee be adopted ;

Which motion prevailed.

On motion of Mr. Howell,

The original bill and substitute were ordered printed, referred to the committee of the whole, and placed on the general order.

MOTIONS, RESOLUTIONS AND NOTICES.

Mr. Howell gave notice that on some future day he would ask leave to introduce

A bill to organize the township of Big Sauble, in the county of Mason.

Mr. Read gave notice that on some future day he would ask leave to introduce

A bill to amend sections 8 and 10, of chapter 128, of the compiled laws.

Mr. J. B. Wilson gave notice that on some future day he would ask leave to introduce

A bill to provide for the floating of logs and timber in the streams of this State.

Mr. Taylor offered the following :

*Resolved*, That the use of this hall be granted to Morgan L. Drake, for Friday evening next, for the purpose of a lecture. Subjects : The reformation in France, the persecution of the Huguenots, and massacre on St. Bartholomew's day, 1572.

Which was adopted.

Mr. Howell gave notice that on some future day he would ask leave to introduce

A bill to change the name of the township of Little Sauble, Mason county, to that of Lincoln.

Mr. Lockwood gave notice that on some future day he would ask leave to introduce

A bill to amend the revised statutes in relation to partitions of real estate.



Mr. Jones gave notice that on some future day he would ask leave to introduce

A bill to amend section 5690, of the compiled laws of 1857.

Mr. Pringle, previous notice having been given, and leave being granted, introduced

A bill to amend section 6, of chapter 87, of the revised statutes of 1846.

The bill was read a first and second time by its title, and referred to the committee on the judiciary.

Mr. Read, previous notice having been given, and leave being granted, introduced

A bill to amend an act entitled an act to amend chapter 150, of the revised statutes of 1846, it being chapter 175 of the compiled laws, to authorize the salary of judges of probate, approved February 15, 1859.

The bill was read a first and second time by its title, and referred to the judiciary committee.

Mr. Cox, unanimous consent being given, introduced

A joint resolution authorizing and requiring the Board of State Auditors to audit and allow certain claims for lands taken by the southern railroad;

Which was read a first and second time by its title, and referred to the committee on internal improvements.

Mr. Waterbury, by unanimous consent, introduced

A bill to amend act No. 239, of the session laws of 1859, in relation to the homestead laws.

The bill was read a first and second time by its title, and referred to the judiciary committee.

Mr. A. Stevens, previous notice having been given, and leave being granted, introduced

A bill to amend an act entitled an act to incorporate the village of Bay City, approved February 9th, 1859.

The bill was read a first and second time by its title, and referred to the committee on banks and incorporations.

Mr. Douglas, previous notice having been given, and leave being granted, introduced



A bill to establish the mining school of the Upper Peninsula.

The bill was read a first and second time by its title, and referred to the committee on banks and incorporations.

Mr. Waterbury, unanimous consent being given, introduced

A bill to amend act No. 106, of the session laws of 1859, to provide for the sale of swamp lands, and the reclamation of the same.

The bill was read a first and second time by its title, and referred to the committee on public lands.

Mr. Joy moved to take from the table House bill, entitled

A bill to provide for publishing the statistics of the State of Michigan, taken by the authority of the United States, in the year 1860.

On motion of Mr. Sessions,

The bill was committed to the committee on State affairs.

Mr. Pringle offered the following :

*Resolved*, That the Hon. Henry Raymond, of Bay county, be and he is hereby authorized to occupy a seat in this House, without the privilege of voting, until after the decision of the contest between him and the Hon. Appleton Stevens, and that he be allowed to speak in his own behalf ;

Which was adopted.

Mr. Haire gave notice that on some future day he would ask leave to introduce

A bill to amend an act to provide for assessing property at its true value, and for levying and collecting taxes thereon, approved February 14, 1853.

#### THIRD READING OF BILLS AND JOINT RESOLUTIONS.

House bill, entitled

A bill to amend an act entitled an act to authorize the incorporation of bridge companies, approved April 4th, 1851, by adding two sections thereto,

Was read a third time and passed, a majority of all the members elect voting therefor, by yeas and nays, as follows:



## YEAS.

Mr. Adams,  
Alexander,  
Baker,  
Brownell,  
Chase,  
Childs,  
Choate,  
Chapoton,  
Cook,  
Cooley,  
Cox,  
Cutcheon,  
A. W. Davis,  
C. Davis,  
Douglas,  
Follett,  
Fowle,  
Gilbert,  
Goodrich,  
Gregory,  
A. L. Green,  
Hadley,

Mr. Haire,  
Hemingway,  
Hill,  
Hodges,  
Howell,  
Hurd,  
Jones,  
Joy,  
Kanouse,  
Kelsey,  
Leetch,  
Lockwood,  
Miller,  
Moore,  
Persons,  
Peters,  
Peterson,  
Phelps,  
Piper,  
Pratt,  
Pringle,  
Ramsdell,

Mr. Read,  
Sessions,  
Shank,  
Shanahan,  
Smith,  
W. N. Stevens,  
Stoddard,  
Strong,  
Taylor,  
Tibbits,  
Toll,  
Wade,  
Wallin,  
Waterbury,  
Wetherby,  
T. M. Wilson,  
J. B. Wilson,  
Winans,  
Woodward,  
Wright,  
Speaker,

65

## NAYS.

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Title agreed to.

On motion of Mr. Gilbert,

By a vote of two-thirds of all the members elect, the bill was ordered to take immediate effect.

House bill, entitled

A bill to authorize appeals to Circuit and District Courts from special proceedings before justices of the peace,

Being under consideration,

Mr. Taylor moved that the bill be indefinitely postponed;

Which motion did not prevail.

The bill was then read a third time and passed, a majority of all the members elect voting therefor, by yeas and nays, as follows:

## YEAS.

Mr. Adams,  
Alexander,  
Atwood,

Mr. Hadley,  
Haire,  
Hemingway,

Mr. Read,  
Sessions,  
Shank,



Baker,  
Beamer,  
Brownell,  
Chase,  
Childs,  
Choate,  
Chapoton,  
Cook,  
Cox,  
Cutcheon,  
C. Davis,  
Douglas,  
Follett,  
Fowle,  
Gilbert,  
Goodrich,  
Gregory,  
A. L. Green,  
N. K. Green,

Hill,  
Hodges,  
Howell,  
Hurd,  
Jones,  
Joy,  
Kanouse,  
Kelsey,  
Leetch,  
Lockwood,  
Moore,  
Persons,  
Peters,  
Peterson,  
Phelps,  
Piper,  
Pratt,  
Pringle,  
Ramsdell,

Shanahan,  
Smith,  
W. N. Stevens,  
A. Stevens,  
Stoddard,  
Strong,  
Tibbits,  
Toll,  
Wade,  
Wallin,  
Waterbury,  
Wetherby,  
T. M. Wilson,  
J. B. Wilson,  
Winans,  
Woodward,  
Wright,  
Speaker,

65

## NAYS.

Mr. Cooley,

Mr. A. W. Davis,

Mr Taylor,

3

The question being upon agreeing to the title, Mr. Pringle moved to amend the same by inserting after the word "appeals," the words, "and the removal of causes by certiorari ;"

The motion prevailed, and the title, as amended, was then agreed to.

Mr. Hemmingway, by unanimous consent, moved to take from the table,

A bill to amend section 5689 of the compiled laws, in relation to the costs of proceedings in criminal cases;

Which motion prevailed.

On motion of Mr. Hemingway,

The bill was ordered printed, referred to the committee of the whole, and placed on the general order.

## GENERAL ORDER.

On motion of Mr. Sessions,

The House went into committee of the whole on the general order,

Mr. Hill in the chair.



After some time spent therein, the committee rose, and, through the chairman, made the following report :

The committee of the whole have had under consideration the following entitled bills :

1. A bill to amend an act entitled an act to provide for the draining and reclamation of swamp lands, by means of State roads and ditches, being act No. 117, of session laws of 1859;

2. A bill to organize the county of Bleecker ;

And report the same back to the House, and ask to be discharged.

The committee have also had under consideration a bill entitled

3. A bill to amend act 194 of the session laws of 1859, entitled an act to organize the township of Garden Island, in Manitou county, and to change the name of said township to Lincoln;

Have made an amendment thereto, and have directed their chairman to report the same to the House, and to recommend its concurrence therein.

B. L. HILL, *Chairman*.

On motion of Mr. Pringle,

The first named bill was re-committed to the committee on public lands.

On motion of Mr. Pringle,

The second named bill was re-committed to the committee on towns and counties.

On motion of Mr. Sessions,

The third named bill was re-committed to the committee on towns and counties.

On motion of Mr. Alexander,

The House took a recess until 2 o'clock in the afternoon.

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AFTERNOON SESSION.

2 o'clock P. M.

The House met, and was called to order by the Speaker.

Roll called : quorum present.



Mr. Taylor moved to reconsider the vote by which the resolution granting the use of this Hall to Mr. M. L. Drake, for Friday evening, was adopted;

Which motion prevailed.

Mr. Shank moved to amend by striking out "Friday" and inserting "Thursday;"

Which motion prevailed.

The resolution, as amended, was then adopted.

Mr. Taylor offered the following :

*Resolved*, That the use of this Hall be granted to Mrs. Varian James, for a vocal concert, on Friday evening of this week;

Which was adopted.

#### SPECIAL ORDER OF THE DAY.

The Speaker announced that the hour had arrived for the consideration of the special order, being the contested election case of H. Raymond vs. A. Stevens.

Mr. Hurd offered the following:

*Resolved*, That the seat in this House now occupied by Appleton Stevens, as Representative of Bay county, of right belongs to Henry Raymond.

Mr. Raymond appeared within the bar, and asked that the testimony in this case, before the House, might be read.

The testimony of witnesses in the case, as taken by the committee on elections, was then read.

Mr. Howell moved that the further reading of testimony be dispensed with;

Which motion prevailed.

The question recurring upon the adoption of the resolution,

Mr. Howell called for the yeas and nays.

The call was seconded, and the resolution was not adopted, by yeas and nays, as follows:

#### YEAS.

Mr. Cox,  
A. W. Davis,  
C. Davis,  
Follett,  
N. K. Green,

Mr. Hood,  
Moore,  
Persons,  
Piper,  
Pringle,

Mr. Ramsdell,  
T. M. Wilson,  
J. B. Wilson,  
Woodward,



## NAYS.

Mr. Adams,	Mr. A. L. Green,	Mr. Sessions,
Alexander,	Hadley,	Shank,
Atwood,	Haire,	Shanahan,
Baker,	Hemingway,	Smith,
Beamer,	Hill,	W. N. Stevens,
Brownell,	Howell,	Stoddard,
Chase,	Jones,	Strong,
Childs,	Joy,	Taylor,
Choate,	Kanouse,	Tibbits,
Chapoton,	Kelsey,	Toll,
Cook,	Leetch,	Wade,
Cooley,	Lockwood,	Wallin,
Cutcheon,	Miller,	Warner,
Douglas,	Peters,	Wetherby,
Fowle,	Peterson,	Winans,
Gilbert,	Phelps,	Wright,
Goodrich,	Pratt,	Speaker,
Gregory,	Read,	

53

Pending the announcement of the vote,

On motion of Mr. Joy,

Mr. Hurd was excused from voting.

Mr. Piper moved that Mr. Pringle be excused from voting;

Which motion did not prevail.

Mr. Pringle then voted as above.

On motion of Mr. Alexander,

The House adjourned till to-morrow morning at 10 o'clock.

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*Lansing, Thursday, January 24, 1861.*

House met, pursuant to adjournment, and was called to order by the Speaker.

Prayer by Rev. Mr. Potter.

Roll called : quorum present.

Absent without leave at roll call, Mr. Douglas.

Mr. Brownell asked and obtained leave of absence for Mr. Douglas, for an indefinite time, on account of sickness.

## PETITIONS PRESENTED.

By Mr. J. B. Wilson : petition of Charles Waterbury and 68 others, asking the passage of a law extending the "Branch road," provided for in act No. 199, of session laws of 1859.



Referred to the committee on roads and bridges.

By Mr. Adams : petition of J. M. Delano, H. H. Selkrig, and 65 others, asking an appropriation of lands, or money, for the construction of a bridge across the Kalamazoo river, in the township of Cooper, Kalamazoo county.

Referred to the committee on roads and bridges.

By Mr. Taylor: petition of the board of supervisors of Kent county, in regard to the appointment of superintendents of the county poor.

Referred to the committee on judiciary.

By Mr. Cox: petition of Silas A. Wade and 44 others, citizens of Hillsdale county, asking for an amendment to the law relative to draining and ditching low lands.

Referred to the committee on agriculture and manufactures.

By Mr. Peters: petition of Charles G. Johnson, Roderick O'Connor, and 52 others, citizens of Monroe, for the repeal or modification of all laws which may be found to conflict with the federal constitution.

Referred to the committee on judiciary.

By Mr. Hill: petition of E. B. Ward, asking compensation for draining certain swamp lands therein named.

Referred to the committee on ways and means.

By Mr. Stewart: petition of James S. Fuller and 24 others, for a law providing for a county superintendent of primary schools.

Referred to the committee on education.

By Mr. Joy: petition of H. S. Simonau, and others, for a law providing for the registration of deaths, births and marriages.

Referred to the committee on State affairs.

By Mr. Waterbury : petition of James K. Kelly and 51 others, asking for the laying out of a State road in the county of Sanilac, commencing at the Lake road, in the village of Forester ; thence westerly until it intersects the Port Austin, Lexington and Flint State road, and for an appropriation of swamp lands to aid in the construction of the same.

Referred to the committee on public lands.



By Mr. Waterbury : petition of John H. Beckett and 77 others, citizens of Sanilac county, asking for the extension of the Fremont State road, and for an appropriation of swamp lands to assist in the construction of the same.

Referred to the committee on public lands.

By Mr. Ramsdell : petition of E. J. Greilick and 87 others, praying that certain townships may be attached to Grand Traverse county.

Referred to the committee on towns and counties.

By Mr. A. Stevens : petition of H. D. Braddock and 51 others, citizens of Portsmouth township, Bay county, praying for an act authorizing the establishing of public highways within a mile of the village of Portsmouth.

Referred to the committee on roads and bridges.

By Mr. Pratt : petition of James Gorgett and 122 others, praying for an appropriation of swamp lands on the Saginaw and Alma State road ;

Also, petition of Chas. M. Wood and 99 others, citizens of Gratiot and Isabella counties, praying for a State road from the county seat of Isabella county, southward to intersect the Saginaw and Alma State road, and for an appropriation of swamp lands to aid in the construction of the same.

Referred to the committee on public lands.

By Mr. J. B. Wilson : petition of H. Emory and 30 others, for a swamp land State road from Almont, in Lapeer county, to the forks of Cass river, in Tuscola county.

Referred to the committee on public lands.

By Mr. Howell ; petition of H. V. Crandall and 27 others, to change the name of the township of Ensley, in Newaygo county.

Referred to the committee on towns and counties.

By Mr Childs : address of the colored citizens of the State of Michigan, in convention assembled.

On motion of Mr. A. W. Davis,

The address was referred to the committee on the judiciary, and ordered printed in the journal.

The following is the address:



*To the Honorable Senate and House of Representatives of the State of Michigan:*

In compliance with the vote of a State convention of your colored fellow-citizens, do assay to address your Honorable Body in brief upon the great topics in which we and you, in this State, are, or ought to be, interested.

The universal desire of man for liberty—your acts when opposed by Great Britain, the disfranchise law in this State, and our appreciation of this injustice is our only apology for thus addressing you.

The intelligent and Christian among you admit that you and we have a common origin and a common destiny, that we are children of the same great parent and heirs of the same immortality. You admit that we are in the same government, that eighty-four years ago your fathers formed it, announcing as its primeval principles, "all men are created equal, endowed by their Creator with certain inalienable rights, among which are life, liberty and the pursuit of happiness. And to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed."

You here assert two important principles. 1st. That the object of legislation is to secure rights and liberty. And 2d. That every one governed is, in the sense of giving or refusing consent, a Legislator, and, as an inference, you say the government which does not respect these two principles is unjust.

In accordance with these principles, you framed a United States Constitution. This you claimed as supreme law, and in accordance with it, in 1836, you framed a Constitution for this State. To the principles thus announced we heartily subscribe; we believe they ought to be enforced, as well for us as for you. Our fathers helped to rear this temple of liberty, whose ample base can lodge, and whose roof can shelter the united races of mankind of the whole world from the tempest of tyranny, great or small, if only allowed to develop itself by the fostering care of State Legislators. We say our fathers helped rear this temple of liberty; their sons, we claim, ought to be inheritors



of its blessings, and we believe not only that liberty is the birthright of all, and *law* its defense, but that every human being has rights in common, and that the meanest of those rights is legitimately beyond the reach of political expedencies. Do you admit our belief as true? We believe in the fact—the fixed and unalterable fact—that to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed.” This you have taught us. The law of Michigan depriving us of the right of suffrage is a violation of this fundamental principle of liberty.

We are taxed while we are unrepresented. We bear our part of the expenses, with you, to sustain your officers of State, and the Members of the General Assembly, together with the officers attached. We, also, have helped to build your asylums for the blind, for the deaf and dumb, and for the lunatic, together with houses of correction and for the poor.

FELLOW-CITIZENS:—The 5th clause, of 1st section, of article 2, of the Constitution of the United States, recognizes the principle that natural birth gives citizenship, therefore we claim all the rights and immunities of citizens in every particular with other citizens of the State.

For the above reasons, and many others, we will ever pray your Honorable Body to pass a law granting the colored people the elective franchise in common with the white citizens of this State.

T. J. MARTIN,

*Committee on Address.*

#### REPORTS OF STANDING COMMITTEES.

By the committee on the judiciary:

The committee on the judiciary, to whom was referred

A bill to amend sections 1, 2, and 16, of chapter 118, of the compiled laws, relative to the jurisdiction of justices in criminal cases,

Report that they have considered the same, and are of opinion that the proposed change would not in general promote



the public interest, and therefore report said bill back to the House, recommending that it do not pass.

THOS. W. LOCKWOOD, *Chairman*.

Report accepted and committee discharged.

On motion of Mr Tibbits,

The bill was ordered printed, referred to the committee of the whole, and placed on the general order.

By the committee on the judiciary:

The committee on the judiciary, to whom was referred a resolution of the House, instructing them to inquire into the propriety of providing by law for the prohibition of the releasing persons charged with crime, on such persons turning States evidence against confederates,

Respectfully report that they have had the same under consideration, and are of opinion that this subject is now properly left in the hands of the judge and prosecuting attorneys, and that no legislation is necessary, and the committee ask to be discharged from the further consideration of the subject.

THOS. W. LOCKWOOD, *Chairman*.

Report accepted and committee discharged.

By the judiciary committee :

The committee on the judiciary, to whom was referred

A bill to amend section 5640 of the compiled laws, relative to fees of masters in chancery,

Respectfully report that they have considered the same, and instructed their chairman to report the same to this House with the recommendation that the bill do not pass, and ask to be discharged from the further consideration of the same.

THOS. W. LOCKWOOD, *Chairman*.

Report accepted and committee discharged.

On motion of Mr. Joy,

The bill was laid on the table.

By the committee on the judiciary:

The committee on the judiciary, to whom was referred sundry petitions and remonstrances relative to conferring the power to



For engines, &c,.....	\$10,000 00
For construction,.....	6,651 84
For expenses,.....	289 77
	<u>\$187,717 31</u>

9. Am't due the corporation,.....	\$2,479 82
10. Am't received for transportation of passengers, freight and express,.....	155 63
11. Am't rec'd for transportation from other sources,	Nothing.
12. Am't of merchandise transported in tons, .....	10
13. Am't paid for repairs of engines,.....	200 00
14. Am't paid for repairs of cars, .....	50 43
15. Am't paid for repairs of buildings,.....	Nothing.
16. Am't paid for salaries, .....	300 00
17. No. and amount of dividends,.....	None.
18. No. of engine houses, .....	1
19. No. of engines,.....	2
20. No. of passenger cars, .....	1
21. No. of smoking and express cars,... ..	1
22. No. of platform cars,.....	18
23. No. of miles run by passenger and freight cars,	2,500
24. No. of men employed in running department,...	25

Classified as follows : 1 superintendent, 1 book-keeper, 1 master mechanic, 2 engineers, 2 firemen, 1 watchman, 1 brakesman, 1 conductor, 3 mechanics, 10 laborers, 2 station agents.

25. No. of accidents,.....	None.
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All of which is respectfully submitted.

(Signed) A. L. WILLIAMS, *Pres't.*

(Signed) WM. P. INNES, *Eng'r & Supt.*

#### COMMUNICATION FROM THE GOVERNOR.

The Speaker announced the following :

EXECUTIVE OFFICE,  
Lansing, January 22, 1861. }

To the House of Representatives:

I have approved and deposited in the office of the Secretary of State the following acts:



An act to legalize the tax roll of the township of Ionia, in the county of Ionia, for the year one thousand eight hundred and sixty, and to authorize the collection of the same;

Also,

An act to provide for the collection and return of taxes by township treasurers in newly organized counties, in certain cases;

Also,

An act to extend the time for the collection of taxes in the township of Holland, in the county of Ottawa, for the year one thousand eight hundred and sixty;

Also,

An act to compel the service of process by certain ministerial officers;

Also,

An act to provide for the restoration of lost records, papers, or other proceedings in courts of record.

AUSTIN BLAIR.

Laid on the table.

#### MESSAGES FROM THE SENATE:

The Speaker announced the following:

SENATE CHAMBER,  
Lansing, January 23, 1861. }

*To the Speaker of the House of Representatives:*

SIR:—I am instructed by the Senate to re-transmit the following entitled joint resolution:

Joint resolution relative to the state of the Union,

And to inform the House that the Senate refuses concurrence in the substitute adopted by the House, which is herewith returned.

Very respectfully,

A. B. TURNER,

*Secretary of the Senate.*

Mr. Phelps moved that the House adhere to its previous action upon said joint resolution;



regulate the salaries of probate judges on the boards of supervisors, respectfully report that they consider it unwise to make any change in that respect, at least for the present. The salaries of the present incumbents of that office, cannot be changed for nearly four years, and the State has had no experience as to the working of the present system; besides your committee believe that the mode adopted of fixing these salaries is as just and equitable as any that can be devised. We therefore recommend that the prayer of the petitioners be not granted, and ask to be discharged from the further consideration thereof.

THOS. W. LOCKWOOD, *Chairman.*

Report accepted and committee discharged.

By the committee on supplies and expenditures:

Your committee on supplies and expenditures, who were directed by vote of this House, January 12, to procure maps for the use of this House, beg leave to report that they have performed the duty assigned them, and beg leave to be discharged from the further consideration of the subject.

All which is respectfully submitted.

WILLIAM PHELPS, *Chairman.*

Report accepted and committee discharged.

By the committee on agriculture and manufactures:

The committee on agriculture and manufactures, to whom was referred

A bill to provide for the marking and branding of horses, cattle, sheep and swine,

Would respectfully report that they have had the same under consideration, and have directed me to report the same back to the House with the following amendment: strike out sections 5 and 6, and insert in lieu thereof the section herewith submitted, to stand as section 5, and ask to be discharged from the further consideration thereof.

JAMES WEBSTER CHILDS, *Chairman.*

Report accepted and committee discharged.

On motion of Mr. Sessions,



The House concurred in the amendment made by the committee.

The bill was ordered printed, referred to the committee of the whole, and placed on the general order.

By the committee on roads and bridges:

The committee on roads and bridges, to whom was referred the petition of J. M. Grant, Alexander McDonald and 45 others, for an appropriation of swamp lands to improve a State road in the county of Huron, have had the same under consideration, and instructed me to report the same back without action, and ask its reference to the committee on public lands, and to be discharged from its further consideration.

N. K. GREEN, *Chairman.*

Report accepted and committee discharged.

The recommendation of the committee was concurred in, and the petition was referred to the committee on public lands.

Mr. Gilbert presented the following, which was received and ordered printed in the journal:

OFFICE OF THE A. L. & T. B. R. R. COMPANY, }  
Owosso, Mich., Dec. 31, 1860.

*To the Honorable, the Auditor General of the State of Michigan:*

SIR:—In conformity to the requirements of the General Rail Road law, we beg leave to submit the annual report of the Amboy, Lansing & Traverse Bay Rail Road Company, for the year ending December 31, 1860:

1. The am't of capital stock, . . . . .	\$5,000,000 00
2. The am't actually paid in, . . . . .	122,412 65
3. The am't expended for the purchase of lands, for the construction of the road, . . . . .	4,725 79
4. Am't expended for buildings, . . . . .	1,835 86
5. Am't expended for engines, . . . . .	7,500 00
6. Am't expended for cars, . . . . .	5,735 28
7. Am't of indebtedness, . . . . .	187,717 31
8. Nature of indebtedness as follows:	
For iron, chairs and spikes, . . . . .	\$170,775 70



Which was adopted.

Mr. Taylor gave notice that on some future day he would ask leave to introduce

A bill to amend chapter thirty-eight of the revised statutes of 1846, relative to the appointment of superintendents of county poor.

Mr. Phelps, previous notice having been given, and leave being granted, introduced

A bill to amend an act entitled an act further to preserve the purity of elections, and guard against the abuses of the elective franchise by a registration of electors.

The bill was read a first and second time by its title, and referred to the judiciary committee.

Mr. Shank, unanimous consent being given, introduced

A bill to furnish the Auditor General's office with certain maps.

The bill was read a first and second time by its title, and referred to the committee on judiciary.

Mr. Read, previous notice having been given, and leave being granted, introduced

A bill to amend section 2, of chapter 40, of the compiled laws, relative to the support of poor persons by counties.

The bill was read a first and second time by its title, and referred to the judiciary committee.

Mr. J. B. Wilson, previous notice having been given, and leave being granted, introduced

A bill to provide for the floating of logs and timber in the streams of this State.

The bill was read a first and second time, by its title, and referred to the committee on roads and bridges.

Mr. Howell, previous notice having been given, and leave being granted, introduced

A bill to change the name of the township of Little Sauble, in the county of Mason.

The bill was read a first and second time by its title, and referred to the committee on internal improvements.



Mr. Read, previous notice having been given, and leave being granted, introduced

A bill to amend sections 8 and 10, of chapter 128, of compiled laws, relative to the return and summoning of jurors.

The bill was read a first and second time by its title, and referred to the judiciary committee.

Mr. Lockwood, previous notice having been given, and leave being granted, introduced

A bill to amend section 33, of chapter 109, of the revised statutes of 1846, being section 4648, of the compiled laws, relative to partition of lands owned by several persons.

The bill was read a first and second time by its title, and referred to the judiciary committee.

Mr. Bunce gave notice that, on some future day, he would ask leave to introduce

A bill to amend the charter of the city of Port Huron ;

Also,

A bill to legalize certain loans made by the board of education of the city of Port Huron.

Mr. A. Stevens gave notice that on some future day he would ask leave to introduce

A bill to amend sections 14 and 16, and to repeal section 15, of chapter 134, of compiled laws, in relation to the action of ejectment.

Mr. Sessions moved to take from the table the enacting clause of House bill, entitled

A bill to amend an act entitled an act to provide punishment for fraudulently removing or embezzling property under chattel mortgages, approved February 15th, 1859;

Which motion prevailed.

Mr. Pringle moved that the enacting clause of the bill be indefinitely postponed.

Mr. Joy moved to lay the motion to indefinitely postpone on the table ;

Which motion prevailed.

Mr. Howell moved to reconsider the vote by which the House



refused to adopt the resolution offered by a majority of the committee on elections, declaring Appleton Stevens not entitled to a seat in this House ;

Which motion prevailed.

Mr. Howell moved to lay the resolution on the table ;

Which motion prevailed.

Mr. Hurd presented the following :

LANSING, January 24, 1861.

*To the Speaker of the House of Representatives :*

SIR :—I hereby ask leave to withdraw my memorial from the consideration of your honorable body, contesting the seat of Hon. Appleton Stevens, of Bay county.

Very respectfully,

HENRY RAYMOND.

On motion of Mr. Hurd,

Leave was granted the contestant to withdraw his memorial now before this House.

Mr. Hurd then asked that the journal of yesterday might be corrected so as to read as follows:

“Mr. Howell moved that the further reading of the testimony be dispensed with, and that the *ex parte* affidavits be rejected by the House, as improper testimony in the case.”

By unanimous consent the correction was ordered to be made.

Mr. Ohlds offered the following :

*Resolved*, That the committee on agriculture and manufactures, of this House, have leave of absence for this afternoon, in order to give them an opportunity to visit the State Agricultural College.

Mr. Hill moved to amend so as to include the committee on education.

Mr. Howell moved to amend so as to include the committee on federal relations.

The last amendment was not adopted.

The first amendment was accepted by the mover of the resolution.

The resolution, as amended, was then adopted.



Mr. Tibbits offered the following :

*Resolved*, That when this House adjourn, it adjourn to meet to-morrow morning at 10 o'clock;

Which was adopted.

GENERAL ORDER.

On motion of Mr. Childs,

The House went into committee of the whole on the general order,

Mr. Cutcheon in the chair.

After some time spent thereon, the committee rose, and through their chairman, made the following report :

The committee of the whole have had under consideration the following entitled bill :

A bill to provide for changing the names of minor and adopted children, and of other persons ;

Have made some amendments thereto, and have directed their chairman to report the same back to the House, asking concurrence therein, recommend its passage, and ask to be discharged.

S. M. CUTCHEON, *Chairman*.

Report accepted and committee discharged.

The several amendments were concurred in separately, and the bill ordered engrossed for a third reading.

On motion of Mr. Ramsdell,

The House adjourned till to-morrow morning at 10 o'clock.

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*Lansing, Friday, January 25, 1861.*

House met pursuant to adjournment, and was called to order by the Speaker.

Prayer by Rev. Mr. McLeod.

Roll called : quorum present.

Absent without leave at roll call, Messrs. Hood and A. Stevens.

Mr. Howell asked and obtained leave of absence for Mr. Hood until Tuesday next.



Mr. Pratt asked and obtained leave of absence for Mr. A. Stevens for an indefinite time on account of sickness.

Mr. Lockwood asked and obtained leave of absence for himself until Tuesday next.

Mr. Wallin asked and obtained leave of absence for himself for an indefinite time.

#### PETITIONS PRESENTED.

By Mr. Peterson : petition of W. E. Cheever and 28 others, citizens of Detroit, for an amendment of section 26, of chapter 141, of the compiled laws.

Referred to the committee on judiciary.

By Mr. Howell: petition of George Backhart and 80 others, citizens of Newaygo, praying that a State road be established from Grand Rapids, in the county of Kent, by way of Croton, to Big Prairie, in the county of Newaygo, and asking an appropriation therefor.

Referred to the committee on public lands.

By Mr. A. L. Green : petition of Joseph Wells and 29 others, for a law providing for a county superintendent of schools in each organized county, and that the number of township school inspectors be reduced to one in each township.

Referred to the committee on education.

By Mr. Sessions : memorial of S. A. Yeomans and others, praying for the relief of Charles W. Ingalls, for losses sustained by him in the survey of the Ionia, Houghton Lake and Mackinac State road.

Referred to the committee on ways and means.

By Mr. Cox : petition of Joel W. French and 25 others, citizens of Hillsdale county, asking amendments to the draining and ditch law.

Referred to the committee on agriculture and manufactures.

By Mr. A. L. Green : remonstrance of Edwin N. Ely and 46 others, citizens of Eaton county, against an appropriation of the non-resident highway tax on that part of the Battle Creek and Lansing State road which lies between Charlotte and Bellevue.



Referred to the committee on roads and bridges.

By Mr. Hill : petition of J. C. Purdy and Shenandoah Purdy, adopted parents, and Betsey A. Parker, mother of Alinda Maranda Parker, asking to have the name of said child changed from Alinda Maranda Parker to Alinda Maranda Purdy, and that the child be made the lawful heir of J. C. Purdy and wife.

Referred to the committee on the judiciary.

REPORTS OF STANDING COMMITTEES.

By the judiciary committee:

The committee on the judiciary, to whom was referred the following resolution:

*Resolved*, That the committee on judiciary be requested to inquire into the propriety of amending section 3738 of compiled laws, (chapter 117,) so as to extend its provisions in terms to defendants as well as plaintiffs, in suits before justices of the peace, with leave to report by bill or otherwise,

Respectfully report that they have had the said resolution under consideration, and return the same to the House with the accompanying bill, which they recommend do pass, and ask to be discharged from the further consideration of the subject.

THOS. W. LOCKWOOD, *Chairman*.

Report accepted and committee discharged.

The bill was read a first and second time by its title, ordered printed, referred to the committee of the whole, and placed on the general order.

By the judiciary committee :

The committee on the judiciary, to whom was referred the petition of the St. Mary's Falls Ship Canal company, asking such action as will cause adjustment of its claim against the State, respectfully report that they are of the opinion that the honor and good faith of the State require that the amount of taxes they are required to pay contrary to the terms of the act under which the grant of lands was made and the contract taken, should be refunded, with interest, which amount, according



to the books of the Auditor General, amounts to \$7,247 92, less the amount of taxes on lands under contract of sale, which is not shown by the books of that office, but stated in the petition to be \$10 24. Your committee, therefore, report said petition back to the House, recommending that it be referred to the committee on ways and means to provide a mode of payment of said claim.

THOS. W. LOCKWOOD, *Chairman.*

Report accepted and committee discharged.

The recommendations of the committee were concurred in, and the petition referred to the committee on ways and means.

By the committee on the judiciary:

The committee on the judiciary, to whom was referred

A bill in relation to the collection of recognizances in criminal cases,

Respectfully report that they have had the same under consideration and return the same to the House with accompanying amendments, recommending that the amendments be concurred in, and that it do pass, and ask to be discharged from the further consideration of the same.

THOS. W. LOCKWOOD, *Chairman.*

Report accepted and committee discharged.

On motion of Mr. Sessions,

The House concurred in the amendments made by the committee.

The bill was referred to the committee of the whole and placed on the general order.

By the judiciary committee:

The committee on the judiciary to whom was referred

A bill to authorize James H. Sprague to build a dam across Grand River, on section 12, in town 1 north of range 3 west, in the county of Eaton,

Respectfully report that they have had the same under consideration, and for the reason that the board of supervisors have full jurisdiction in the matter, return it to the House with



the recommendation that it do not pass, and ask to be discharged from the further consideration of the subject.

THOS. W. LOCKWOOD, *Chairman*.

Report accepted and committee discharged.

On motion of Mr. Pringle,

The bill was laid on the table.

By the judiciary committee :

The committee on the judiciary to whom was referred

A bill to extend the time for the collection of taxes in the city of East Saginaw, in Saginaw county, and to legalize the correction of errors in the assessment roll thereof, for the year 1860,

Respectfully report they have had the same under consideration, and return the same to the House with the recommendation that it do not pass, and ask to be discharged from the further consideration of the same.

THOS. W. LOCKWOOD, *Chairman*.

Report accepted and committee discharged.

On motion of Mr. Hill,

The bill was laid on the table.

By the judiciary committee:

The committee on the judiciary to whom was referred Senate bill, entitled

A bill to repeal an act entitled an act to amend chapter 23, of the revised statutes of 1846, relative to highway taxes, approved April 2, 1850,

Respectfully report that they have had the same under consideration, return the said bill to the House without amendment, recommend that it do pass, and ask to be discharged from the further consideration of the same.

THOS. W. LOCKWOOD, *Chairman*.

Report accepted, and committee discharged.

The bill was referred to the committee of the whole and placed on the general order.

By the committee on the judiciary :

The committee on the judiciary, to whom was referred



A bill to amend sections 8 and 10, of chapter 128, of compiled laws, relative to the return and summoning of jurors,

Respectfully report that they have had the same under consideration, and return the same to the House with the recommendation that it do not pass, and ask to be discharged from the further consideration of the same.

THOS. W. LOCKWOOD, *Chairman.*

Report accepted and committee discharged.

On motion of Mr. Pringle,

The bill was laid on the table.

By the judiciary committee :

The committee on the judiciary, to whom was referred two memorials from the board of supervisors of Saginaw county—one praying for an act to compel Bay county to refund certain taxes—the other praying for an act to compel the township of Pine River, in Gratiot county, to collect and pay to Saginaw county certain taxes,

Respectfully report that they have had the said memorials under consideration, that they refer the petitioners to section 819 and the following sections of the compiled laws, for a remedy already provided them, recommend that the prayers of the petitioners be not granted, and ask to be discharged from the further consideration of the same.

THOS. W. LOCKWOOD, *Chairman.*

Report accepted and committee discharged.

On motion of Mr. Alexander,

The memorials were laid on the table.

By the judiciary committee :

The committee on the judiciary, to whom was referred

A bill to amend an act entitled an act to amend chapter 150 of the revised statutes of 1846, it being chapter 176, of the compiled laws, to authorize the salary of judges of probate, approved Feb. 15, 1857,

Respectfully report that they have had the said bill under consideration, return the same to the House, recommend that it



do not pass, and ask to be discharged from the further consideration of the subject.

THOS. W. LOCKWOOD, *Chairman.*

Report accepted and committee discharged.

On motion of Mr. Tibbits,

The bill was laid on the table.

By the judiciary committee:

The committee on the judiciary, to whom was re-committed

A bill to amend section one of an act to amend chapter one hundred and fifty of the revised statutes of 1846, it being chapter 175 of the compiled laws, and to authorize the salaries of judges of probate,

Respectfully report that they have had the said bill under consideration, and return the same to the House, with the accompanying amendments, in which they recommend the concurrence of the House. They also recommend that the bill as amended do pass, and ask to be discharged from the further consideration of the same.

THOS. W. LOCKWOOD, *Chairman.*

Report accepted and committee discharged.

On motion of Mr. Childs,

The House concurred in the amendments made by the committee.

The bill was referred to the committee of the whole and placed on the general order.

By the judiciary committee :

The committee on the judiciary, to whom was referred

A bill to continue the authority of circuit court commissioners after the expiration of their term of office, in certain cases,

Respectfully report that they have had the same under consideration, and return the said bill to the House without amendment, with the recommendation that it do pass, and ask to be discharged from the further consideration of the same.

THOS. W. LOCKWOOD, *Chairman.*

Report accepted and committee discharged.



The bill was ordered printed, referred to the committee of the whole, and placed on the general order.

By the judiciary committee :

The committee on the judiciary, to whom was referred

A bill to authorize any township in the county of Allegan to make loans and levy taxes for the improvement of the Kalamazoo river and harbor,

Respectfully report that they have had said bill under consideration, and return the same to the House with the accompanying substitute, with the earnest and heartfelt recommendation that the bill be acted upon by the House without hearing a word, either *pro* or *con*, from a single lawyer on the floor. The committee have no further or other recommendation to make, and ask to be discharged from the further consideration of the subject.

THOS. W. LOCKWOOD, *Chairman*.

Report accepted and committee discharged.

On motion of Mr. Sessions,

The substitute offered by the committee was adopted.

The bill was ordered printed, referred to the committee of the whole, and placed on the general order.

By the committee on banks and incorporations :

The committee on banks and incorporations have had under consideration

A bill to amend an act entitled an act to provide for the incorporation of railroad companies, approved Feb. 12, 1855,

Being Senate bill No. 1, and respectfully report that they have proposed certain amendments thereto which are herewith submitted, and recommend that when so amended the bill do pass, and ask to be discharged from the further consideration thereof.

EUGENE PRINGLE, *Chairman*.

Report accepted and committee discharged..

On motion of Mr. Read,

The House concurred in the amendments made by the committee.



The bill was referred to the committee of the whole, and placed on the general order.

By the committee on banks and incorporations :

The committee on banks and incorporations have had under consideration

A bill to establish the mining school of the Upper Peninsula,

And respectfully report that the same is designed to add another to the present number of State educational institutions, it being contemplated, however, to receive gifts, &c., in aid of its objects, and for its permanent support. The committee, therefore, report the said bill back to the House, and recommend that it be referred to the committee on education.

EUGENE PRINGLE, *Chairman.*

Report accepted and committee discharged.

The recommendations of the committee were concurred in, and the bill was referred to the committee on education.

By the committee on engrossment and enrollment :

The committee on engrossment and enrollment report as correctly engrossed, the following bill :

A bill to change the names of minor adopted children and other persons.

A. L. GREEN, *Chairman.*

Report accepted, and the bill placed on the order of third reading.

By the committee on public lands :

The committee on public lands, to whom was recommitted

A bill to amend an act entitled an act to provide for the draining and reclamation of swamp lands by means of State roads and ditches, being act No. 117, of the session laws of 1859,

Would respectfully report that they have had the same under consideration, and ask leave to report a substitute, in which they ask the concurrence of the House, and ask to be discharged from the further consideration of the same.

All of which is respectfully submitted.

J. O. WATERBURY, *Chairman.*



Report accepted and committee discharged.

On motion of Mr. Wallin,

The substitute offered by the committee was adopted.

The bill was ordered printed, referred to the committee of the whole and placed on the general order.

By the committee on public lands :

The committee on public lands, to whom was referred

A bill to amend act No. 106, of the session laws of 1859, to provide for the sale of swamp lands and the reclamation of the same,

Report that they have had the same under consideration, and report it back to the House, recommend its passage, and ask to be discharged from the further consideration thereof.

All of which is very respectfully submitted.

J. C. WATERBURY, *Chairman.*

Report accepted and committee discharged.

The bill was ordered printed, referred to the committee of the whole, and placed on the general order.

By the committee on towns and counties :

The committee on towns and counties, to whom was referred a petition to change the name of the town of Ensley, in Newaygo county, to Kent, have considered the same, and direct me to report that in the opinion of this committee it would be more proper for the board of supervisors, upon whom such powers have been conferred, to change the name of such township if desired by citizens, than to bring so trivial a matter before the Legislature. The committee therefore recommend that the prayer of the petitioners be not granted.

JOHN B. WILSON, *Chairman.*

Report accepted and committee discharged.

On motion of Mr. Childs,

The petition was laid on the table.

By the committee on ways and means:

The committee on ways and means, to whom was referred

A bill to amend sections 7, 18 and 21, of chapter 12, of the



revised statutes, the same being sections 154, 160 and 173 of compiled laws,

Respectfully report that they have had the same under consideration, have made some amendments thereto, which are herewith submitted, in which they ask the concurrence of the House, and when so amended recommend that the bill do pass, and ask to be discharged from the further consideration thereof,

JAMES F. JOY, *Chairman.*

Report accepted and committee discharged.

On motion of Mr. Sessions,

The House concurred in the amendments made by the committee.

The bill was referred to the committee of the whole, and placed on the general order.

By the committee on ways and means:

The committee on ways and means, to whom was referred Senate bill, entitled

A bill to authorize the sale by the State Treasurer of two thousand copies of the compiled laws,

Respectfully report that they have had the same under consideration, and have instructed me to report the same back without amendment, recommend its passage, and ask to be discharged from the further consideration thereof.

JAMES F. JOY, *Chairman.*

Report accepted and committee discharged.

The bill was referred to the committee of the whole, and placed on the general order.

By the committee on ways and means :

The committee of ways and means, to whom was referred the memorial of the supervisors of Saginaw county, praying that counties may be allowed to sell and convey lands forfeited for taxes, and the bill requiring the Auditor General to report to the county treasurers lists of all lands sold for taxes, or redeemed at his office,



Have had the same under consideration, and have instructed me to report that the petitions, in their judgment, seem to be based upon the erroneous belief that the State is liable immediately to all counties for their proportion of the taxes due on lands bid off by the State for taxes, even before the money is realized, which is not the case, and that it is inexpedient to grant the prayer of the petitioners. They therefore report back the bill which has been referred to them, based upon it, and recommend that it do not pass.

J. F. JOY, *Chairman.*

Report accepted and committee discharged.

On motion of Mr. Cutcheon,

The bill and memorial were laid on the table.

By the committee on printing :

The committee on printing, who were instructed by a resolution adopted by this House on the 15th inst., to cause to be printed two thousand copies of the Address delivered in this Hall by Professor Fisk, for the use of the officers and members of this House,

Would respectfully report that they have performed that duty, and the copies of said Address are now ready for delivery, and the committee ask to be discharged from further action thereon.

F. H. RANKIN, *Chairman.*

Report accepted and committee discharged.

#### MOTIONS, RESOLUTIONS AND NOTICES.

Mr. Bunce moved to take from the table a bill, entitled

A bill to extend the time for the collection of taxes in the townships of Clyde, Columbus and St. Clair, in the county of St. Clair;

Which motion prevailed.

Mr. Bunce asked the unanimous consent of the House to amend the bill by inserting in section 1, after the word "Columbus," the words "Berlin, Ira;"

Mr. Lockwood moved to amend by adding to the amendment the words, "and all other towns in this State;"



Mr. Cutcheon moved to lay the amendment to the amendment on the table;

Which motion did not prevail.

Mr. Lockwood then withdrew his amendment.

The question recurring upon the adoption of the first amendment, the same was adopted.

Mr. Sessions moved that the rules be suspended, and that the bill be put upon its final passage;

Which motion prevailed.

The bill, being Senate bill, entitled

A bill to extend the time for the collection of taxes in the townships of Clyde, Columbus and St. Clair, in the county of St. Clair,

Was then read a third time and passed, a majority of all the members elect voting therefor, by yeas and nays, as follows :

#### YEAS.

Mr. Adams,  
Alexander,  
Atwood,  
Baker,  
Beamer,  
Blakeslee,  
Brownell,  
Bunce,  
Chase,  
Childs,  
Choate,  
Cook,  
Cooley,  
Cox,  
Crego,  
Cutcheon,  
A. W. Davis,  
C. Davis,  
Ira Davis,  
Fallass,  
Follett,  
Foote,  
Fowle,  
Gilbert,  
Goodrich,

Mr. Gregory,  
A. L. Green,  
N. K. Green,  
Hadley,  
Haire,  
Henderson,  
Hemingway,  
Hill,  
Hodges,  
Howell,  
Hurd,  
Jones,  
Joy,  
Kanouse,  
Kelsey,  
Leetch,  
Lockwood,  
Miller,  
Moore,  
Persons,  
Peterson,  
Phelps,  
Piper,  
Pratt,  
Pringle,

Mr. Ramsdell,  
Rankin,  
Read,  
Sessions,  
Shank,  
Shanahan,  
Smith,  
W. N. Stevens,  
Stewart,  
Stoddard,  
Taylor,  
Tibbits,  
Wade,  
Wallin,  
Warner,  
Waterbury,  
Wetherby,  
Wheeler,  
T. M. Wilson,  
J. B. Wilson,  
Winans,  
Woodman,  
Woodward,  
Wright,  
Speaker,

75

#### NAYS.

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The question being upon agreeing to the title,

Mr. Bunce moved to amend the same by inserting after the word "Columbus," the words "Berlin, Ira ;"

Which motion prevailed, and the title, as amended, was then agreed to.

On motion of Mr. A. W. Davis,

By a vote of two-thirds of all the members elect the bill was ordered to take immediate effect.

Mr. Howell moved to take from the table the enacting clause of a bill entitled

A bill to amend an act to provide punishment for fraudulently removing or embezzling property under chattel mortgages, approved February 15, 1859;

Which motion prevailed.

Mr. Howell moved to re-commit the bill to the committee on the judiciary, with instructions to insert the following after the enacting clause : "That if any person who shall have made or executed any mortgage or conveyance intended to operate as a mortgage of goods and chattels, shall fraudently embezzle, remove, conceal or dispose of any such goods and chattels mortgaged or conveyed as aforesaid, with intent to injure or defraud the mortgagee or assignee of said mortgage or conveyance, he shall be guilty of a misdemeanor, and punished by fine not exceeding one hundred dollars, or by imprisonment in the county jail not exceeding three months, or both, in the discretion of the court."

Which motion prevailed.

Mr. Hurd offered the following preamble and resolution :

*Whereas*, The majority of the committee on elections on the 16th inst. reported in favor of the memorial of Henry Raymond, claiming the seat of Appleton Stevens, of Bay county, which report and recommendation was based on affidavits of sundry persons residing in Bay county, together with testimony taken before the committee ;

*And whereas*, This House refused to receive and act on the evidence contained in said affidavits for the reason that Mr.



Stevens was not notified of the time and place where such affidavits were to be taken; therefore

*Resolved*, That the reasons for the report and recommendation of this committee, as well as the action of this House, be entered on its journal.

Which was adopted.

Mr. Phelps offered the following :.

*Resolved*, That when this House adjourn to-day and to-morrow, it adjourn to meet at 10 o'clock the next morning ;

Which was not adopted.

Mr. Stewart offered the following :

*Resolved*, That the committee on military affairs have leave of absence this afternoon ;

Which was adopted.

Mr. Childs offered the following :

*Resolved*, That the use of this Hall be tendered to Morgan L. Drake, Esq., on Wednesday evening of next week, for the purpose of delivering an address ;

Which was adopted.

Mr. Taylor gave notice that on some future day he would ask leave to introduce

A bill to amend subdivision two, of act 117, session laws of 1859.

Mr. Phelps, previous notice having been given, and leave being granted, introduced

A bill to provide for taking inquests by county coroners.

The bill was read a first and second time by its title, and referred to the judiciary committee.

Mr. Cutcheon, previous notice having been given, and leave being granted, introduced

A bill to amend section 24, chapter 108, of compiled laws.

The bill was read a first and second time by its title, and referred to the judiciary committee.

Mr. Goodrich, previous notice having been given, and leave being granted, introduced



A bill to provide for the removal of stagnant and impure waters in townships.

The bill was read a first and second time by its title, and referred to the judiciary committee.

Mr. Sessions, unanimous consent being given, introduced

A bill to extend the time for the collection of taxes in the townships of Lyons and Boston, Ionia county, for the year 1860.

The bill was read a first and second time by its title, and referred to the judiciary committee.

Mr. Alexander, previous notice having been given, and leave being granted, introduced

A bill to amend section 5690, of the compiled laws of 1857, relative to fees of witnesses in criminal cases.

The bill was read a first and second time by its title, and referred to the committee on the judiciary.

Mr. Alexander, previous notice having been given, and leave being granted, introduced

A bill to amend section 5646, chapter 175, of compiled laws of 1857, relating to fees of witnesses in civil cases.

The bill was read a first and second time by its title, and referred to the committee on the judiciary.

Mr. Peterson, pursuant to previous notice, leave being granted, introduced

A bill to amend sections 1 and 2 of chapter 154, of the compiled laws;

The bill was read a first and second time by its title, and referred to the judiciary committee.

Mr. Cooley, previous notice having been given, and leave being granted, introduced

A bill to amend chapter 10, of the compiled laws, in relation to certain duties and compensations of county surveyors.

The bill was read a first and second time by its title, and referred to the committee on the judiciary.

Mr. Waterbury, unanimous consent being given, introduced

A bill to amend section 7, chapter 82, of compiled laws, relative to sale of university and primary school lands.



The bill was read a first and second time by its title, and referred to the committee on public lands.

Mr. Read offered the following :

*Resolved*, That the committee on reform school, of this House, have leave of absence for this afternoon, in order to give them an opportunity of visiting the reform school;

Which was adopted.

Mr. Smith moved to take from the table,

A bill to extend the time for the collection of taxes in the townships of Clay, Kimball and Riley, in the county of St. Clair,

Which motion prevailed.

Mr. Smith then moved that the rules be suspended, and that the bill be placed on its final passage ;

Which motion prevailed.

The bill, being Senate bill, entitled

A bill to extend the time for the collection of taxes in the townships of Clay, Kimball and Riley, in the county of St. Clair;

Was then read a third time and passed, a majority of all the members elect voting therefor, by yeas and nays, as follows:

#### YEAS:

Mr. Adams,  
Alexander,  
Atwood,  
Baker,  
Beamer,  
Blakeslee,  
Brownell,  
Bunce,  
Chase,  
Childs,  
Choate,  
Chapoton,  
Cook,  
Cooley,  
Cox,  
Crego,  
Cutcheon,  
A. W. Davis,  
C. Davis,  
Ira Davis,  
Follett,

Mr. A. L. Green,  
Hadley,  
Haire,  
Henderson,  
Hemingway,  
Hill,  
Hodges,  
Howell,  
Hurd,  
Jones,  
Joy,  
Kanouse,  
Kelsey,  
Leetch,  
Lockwood,  
Miller,  
Moore,  
Persons,  
Peters,  
Peterson,  
Phelps,

Mr. Rankin,  
Read,  
Sessions,  
Shank,  
Shanahan,  
Smith,  
W. N. Stevens,  
Stewart,  
Stoddard,  
Taylor,  
Tibbits,  
Toll,  
Wade,  
Wallin,  
Warner,  
Waterbury,  
Wetherby,  
Wheeler,  
T. M. Wilson,  
J. B. Wilson,  
Winans,



Foots,  
Fowle,  
Gilbert,  
Goodrich,  
Gregory,

Piper,  
Pratt,  
Pringle,  
Ramsdell,

Woodman,  
Woodward,  
Wright,  
Speaker,

76

NAYS.

0

Title agreed to.

On motion of Mr. Sessions,

By a vote of two-thirds of all the members elect, the bill was ordered to take immediate effect.

Mr. Wheeler gave notice that on some future day he would ask leave to introduce

A bill to amend section 188, of chapter 117, compiled laws, sec. 3840, relative to appeals from justices' courts.

Mr. Joy offered the following :

*Resolved*, (the Senate concurring,) That the committee of the two Houses appointed to investigate the condition of the treasury and the official acts of the late State Treasurer, be and is hereby authorized to employ a clerk.

On motion of Mr. Lockwood,

The rules were suspended requiring concurrent resolutions to lay on the table for one day, and the resolution was adopted.

Mr. Lockwood gave notice that on some future day he would ask leave to introduce

A bill to amend chapter 79, of the revised statutes, in relation to redemptions from execution sales.

Mr. Wallin offered the following :

*Resolved*, That the report of the State Librarian, now on the tables of members, be referred to the committee on State Library, with instructions to report by bill or otherwise.

Which was adopted.

#### MESSAGES FROM THE SENATE.

By unanimous consent the Speaker announced the following :

SENATE CHAMBER,  
Lansing, January 24, 1861. }

*To the Speaker of the House of Representatives:*

SIR:—I am instructed to inform the House that the Senate



does not recede from its action in passing joint resolution, entitled

Joint resolution on the state of the Union,

And refuses to concur in the House substitute therefor, entitled

Joint resolution relative to the state of the Union,

And has appointed Senators Ingersoll, Stout and Gale, a committee on the part of the Senate, to confer with a like committee on the part of the House, relative to the matter of disagreement between the two houses.

Very respectfully,

A. B. TURNER,

*Secretary of the Senate.*

The message was laid on the table.

Also the following:

SENATE CHAMBER,  
*Lansing, January 24, 1861.* }

*To the Speaker of the House of Representatives:*

SIR:—I am instructed to return to the House the following entitled bills:

A bill to authorize the Fort Street Presbyterian Church of Detroit to hold certain property;

Also,

A bill to amend section 44 of chapter 65 of the revised statutes of 1846, (compiled laws, vol. 2, sec. 2763,) in relation to the discharge of mortgages;

In the passage of which the Senate has concurred by a majority vote of all the Senators elect.

Very respectfully,

A. B. TURNER,

*Secretary of the Senate.*

The bills were referred to the committee on engrossment and enrollment.

Also the following:



SENATE CHAMBER,  
Lansing, January 24, 1861. }

*To the Speaker of the House of Representatives:*

SIR:—I am instructed by the Senate to transmit the following entitled bill:

A bill to organize the township of Winfield, in the county of Mecosta,

Which has passed the Senate by a majority vote of all the Senators elect, and by a vote of two-thirds of all the Senators elect, been ordered to take immediate effect, and in all of which the concurrence of the House is respectfully asked.

Very respectfully,

A. B. TURNER,  
*Secretary of the Senate.*

The bill was read a first and second time, by its title, and referred to the committee on towns and counties.

Also the following:

SENATE CHAMBER,  
Lansing, January 24, 1861. }

*To the Speaker of the House of Representatives:*

SIR:—I am instructed by the Senate to transmit the following concurrent resolution:

*Resolved*, (the House concurring,) That the joint committee on the investigation of the condition of the State Treasury be authorized and directed to make such investigation as far back as the committee, in their judgment, deem necessary;

Which has passed the Senate, and in which the concurrence of the House is respectfully asked.

Very respectfully,

A. B. TURNER,  
*Secretary of the Senate.*

On motion of Mr. Taylor,

The House concurred in the adoption of the resolution.

#### THIRD READING OF BILLS.

House bill, entitled

A bill to provide for changing the names of minor adopted children, and other persons,



Being under consideration,

Mr. Hill moved to recommit the bill to the judiciary committee;

Which motion did not prevail.

The bill was then read a third time and passed, a majority of all the members elect voting therefor, by yeas and nays, as follows:

YEAS.		
Mr. Adams,	Mr. Gregory,	Mr. Rankin,
Alexander,	A. L. Green,	Read,
Atwood,	Hadley,	Sessions,
Baker,	Haire,	Shank,
Beamer,	Henderson,	Shanahan,
Blakeslee,	Hemingway,	Smith,
Brownell,	Hill,	W. N. Stevens,
Bunce,	Hodges,	Stewart,
Chase,	Howell,	Stoddard,
Childs,	Hurd,	Strong,
Choate,	Jones,	Taylor,
Chapoton,	Joy,	Tibbits,
Cook,	Kanouse,	Toll,
Cooley,	Kelsey,	Wade,
Cox,	Leetch,	Wallin,
Crego,	Lockwood,	Warner,
Cutcheon,	Miller,	Waterbury,
A. W. Davis,	Moore,	Wetherby,
C. Davis,	Persons,	Wheeler,
Ira Davis,	Peters,	T. M. Wilson,
Fallass,	Peterson,	J. B. Wilson,
Follett,	Phelps,	Winans,
Foote,	Piper,	Woodman,
Fowle,	Pratt,	Woodward,
Gilbert,	Pringle,	Wright,
Goodrich,	Ramsdell,	Speaker, 78
	NAYS.	0

Title agreed to.

On motion of Mr. Childs,

By a vote of two-thirds of all the members elect, the bill was ordered to take immediate effect.

On motion of Mr. Shank,

The House took a recess until 2 o'clock in the afternoon.



## AFTERNOON SESSION.

House met and was called to order by the Speaker.

Roll called : quorum present.

Mr Howell asked and obtained the unanimous consent of the House to introduce the following :

*Whereas*, This House has adhered to its former action on the "joint resolution on the state of the Union," and the Senate having appointed a committee of conference thereon; therefore

*Resolved*, That the House appoint a committee of three to inform the Senate of the reasons of the House for such adherence.

Which was adopted. -

The Speaker appointed Messrs. Howell, Gilbert and Gregory, as such committee.

## MESSAGE FROM THE SENATE.

By unanimous consent, the Speaker announced the following:

SENATE CHAMBER,  
Lansing, January 25, 1861. }

*To the Speaker of the House of Representatives:*

SIR:—I am instructed to return to the House the following concurrent resolution:

*Resolved*, (the Senate concurring,) That the committee of the two Houses, appointed to investigate the condition of the Treasury and the official acts of the late State Treasurer, be and it is hereby authorized to employ a clerk ;

In which the Senate has concurred.

Very respectfully,

A. B. TURNER,

*Secretary of the Senate.*

The message was laid on the table.

## GENERAL ORDER.

On motion of Mr. Lockwood,

The House went into committee of the whole on the general order,

Mr. Pratt in the chair.



After some time spent therein, the committee rose, and, through the chairman, made the following report :

The committee of the whole have had under consideration the following entitled bills :

1. A bill to repeal act No. 197, of the session laws of 1859, being an act entitled an act to restore certain sections of land to town six south of range five east, approved February 15, 1859 ;

Also,

2. A bill to change the name of the Algerville and Grand Blanc plank road, to the name of Grand Blanc and Holly plank road ;

Also, Senate bill, entitled

3. A bill to amend an act entitled an act to provide for the construction of train railways ;

Also,

4. A bill to amend an act entitled an act to establish teachers' institutes, approved February 10, 1855 ;

Have made no amendments thereto, and have directed their chairman to report the same back to the House, and recommend their passage.

The committee of the whole have also had under consideration the following entitled bill:

5. A bill to amend an act entitled an act to establish graded and high schools, approved February 14, 1859, being act No. 161, session laws, 1859 ;

Have made some amendments thereto, and have directed their chairman to report the same back to the House, asking concurrence therein, and recommend its passage.

G. E. PRATT, *Chairman*.

Report accepted and committee discharged.

The first, second, third and fourth named bills were placed on the order of third reading.

On motion of Mr. Childs,

The amendments made to the last named bill were concurred in, *in gross*.



The bill was then placed on the order of third reading.

By unanimous consent, Mr. Adams asked and obtained leave of absence for himself for an indefinite time ; also for Mr. Read, for an indefinite time, on account of sickness.

Mr. Haire asked and obtained leave of absence for himself until Thursday next.

On motion of Mr. Childs,

The House adjourned till to-morrow morning at 10 o'clock.

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*Lansing, Saturday, January 26, 1861.*

House met pursuant to adjournment, and was called to order by the Speaker.

Prayer by Rev. Mr. Potter.

Roll called : quorum present.

**PETITIONS PRESENTED.**

By Mr. Gilbert : petition of Antonie Campan and 50 others, for the passage of a law changing the corporate limits of the city of Grand Rapids.

Referred to the committee on banks and incorporations.

By Mr. Tibbits : petition of W. E. Warner and 75 others, of Rawsonville, in the county of Wayne, praying for the passage of a law to tax the counties of Wayne and Washtenaw for the support of bridges on the Huron river, in said counties.

Referred to the committee on roads and bridges.

By Mr. Woodman : petition of H. N. Phelps and 21 others, praying for an act to authorize the trustees of the First Congregational Church of Lawrence, Van Buren county, to mortgage real estate.

Referred to the committee on banks and incorporations.

By Mr. N. K. Greene: petition of T. S. Baker, A. H. Coomer, and 42 others, citizens of Seneca, Lenawee county, asking for an amendment to the present liquor law, so as to restore the first section of the law of 1855, as it was originally enacted ; also the alteration of the law of 1859, relative to the adultera-



tion of liquors, so as to dispense with the appointment of authorized inspectors of liquors.

Referred to the committee on judiciary.

By Mr. J. B. Wilson : petition of Geo. C. Bidwell and 31 others, of Lapeer county, asking a law providing for a county superintendent of schools in each organized county in this State.

Referred to the committee on education.

By Mr. A. W. Davis : petition of P. Burton, of Gaines, Genesee county, asking the passage of a general ditch law.

Referred to the committee on internal improvements.

By Mr. Henderson: petition of J. Babcock and 24 others, asking an extension of time for the collection of taxes in Battle Creek city.

Referred to the committee on judiciary.

By Mr. Hurd : petition of Thomas Mosely and 7 others, praying that the act to incorporate the Union City Iron Company, approved March 17, 1847, be so amended that the said Thomas Mosely be authorized to make conveyances, and otherwise close up the business of said concern.

Referred to the committee on banks and incorporations.

By Mr. Ramsdell: petition of George A. Smith and 47 others, praying for the organization of Leelanaw county;

Also, remonstrance of James B. Mills and 95 others, against the organization of Leelanaw county.

Referred to the committee on towns and counties.

By Mr. Taylor: petition of H. C. Wylie, Leander Smith, and 118 others, asking for a State road from Muskegon to the head of navigation on the Saginaw river, and for an appropriation of swamp lands for the same.

Referred to the committee on public lands.

By Mr. Phelps: memorial of the State military board.

On motion of Mr. Howell,

The memorial was referred to the committee on militia, and ordered printed.

By Mr. Phelps: memorial of the Detroit Young Men's Society.

On motion of Mr. Phelps,



The memorial was referred to the committee on judiciary, and ordered printed in the journal.

The following is the memorial:

*To the Hon. Senate and House of Representatives of the State of Michigan:*

The undersigned, a committee appointed by the Board of Directors of the Detroit Young Men's Society to memorialize your Honorable bodies, beg leave respectfully to represent:

That said Society was incorporated March 26, 1836, "for the purposes of moral and intellectual improvement;" and has been ever since, and still is, in active operation, and in the employment of such instrumentalities towards the end and object of its organization, as could be brought within its resources. For such purposes its members have established a public library, now containing over four thousand volumes, constantly increasing, and a reading room in connection therewith; and they have also, regularly every year, from the time of their organization, had delivered before them and the public, a course of lectures upon scientific, literary and general subjects; and they have sustained, from time to time, debates upon similar subjects.

Through these means, the Society is believed to have been, and still is, a source of great public benefit.

For the purpose of extricating the Society from embarrassing indebtedness, and of greatly extending the means for the accomplishment of their corporate objects, the Board of Directors have recently sold certain real estate in Detroit, on which their public hall, library and reading room are situated, and have taken a lease for one hundred years of a much larger and more eligible parcel of land, and they have contracted for the erection, during the coming year, of new buildings, which will cost upwards of twenty thousand dollars; and, it is provided in the lease, that the Society shall pay such taxes and assessments as may be legally levied upon the premises during the term.

The undersigned further represent that it has been already judicially determined by the Supreme Court of this State, 3 Gibbs, (Mich. R.) 172, that this Society is an institution which,



under the eighth sub-division of section 5, chapter 17, title 8, of compiled laws, is entitled to the exemption of all its personal property from taxation, and, also, such real estate belonging to it as shall be actually occupied by it for its corporate purposes.

Inasmuch as the Society has now ceased to be the owner in fee simple of any real estate so exempted, and as the Supreme Court is divided in opinion upon the question whether, under the naked language of the clause referred to, such a Society shall be entitled to the same rights as *lessee* which it enjoyed as owner in this respect, the undersigned, would respectfully request your Honorable bodies to make such an amendment to the statute above referred to as will place the question at rest by the wholesome action of the legislature.

For the Board of Directors of the Detroit Young Men's Society.

W. A. MOORE,

JAMES E. PITTMAN,

SIDNEY D. MILLER,

*Committee.*

#### REPORTS OF STANDING COMMITTEES.

By the committee on the judiciary :

The committee on the judiciary, to whom was referred the petition of John Town and five others, citizens of the township of Lyons, Ionia county, for an extension of the time for the collection of taxes in said township ;

Also,

A bill to extend the time for the collection of taxes in the townships of Lyon and Boston, Ionia county, for the year 1860,

Respectfully report that they have had the same under consideration, and have instructed their chairman to report that they are of opinion that the prayer of the petitioners should be granted. They recommend that the bill do pass, and ask to be discharged from the further consideration of the same.

E. PRINGLE, *Acting Chairman.*

Report accepted and committee discharged.



Mr. Sessions moved that the rules be suspended, and that the bill be placed on its final passage;

Which motion prevailed.

The bill, being House bill, entitled

A bill to extend the time for the collection of taxes for the year 1860, in the townships of Lyons and Boston, in the county of Ionia,

Was then read a third time and passed, a majority of all the members elect voting therefor, by yeas and nays, as follows:

#### YEAS.

Mr. Alexander,  
Atwood,  
Baker,  
Beamer,  
Blakeslee,  
Brownell,  
Bunce,  
Chase,  
Childs,  
Choate,  
Cooley,  
Cox,  
Crego,  
Cutcheon,  
A. W. Davis,  
C. Davis,  
Douglas,  
Fallass,  
Follett,  
Foote,  
Fowle,  
Gilbert,  
Goodrich,

Mr. Gregory,  
A. L. Green,  
N. K. Green,  
Hadley,  
Henderson,  
Hemingway,  
Hill,  
Hodges,  
Howell,  
Hurd,  
Jones,  
Joy,  
Kanouse,  
Kelsey,  
Leetch,  
Miller,  
Moore,  
Persons,  
Peters,  
Peterson,  
Phelps,  
Piper,

Mr. Ramsdell,  
Rankin,  
Sessions,  
Shank,  
Shanahan,  
Smith,  
W. N. Stevens,  
Stoddard,  
Taylor,  
Tibbits,  
Toll,  
Wade,  
Wallin,  
Warner,  
Waterbury,  
Wetherby,  
T. M. Wilson,  
J. B. Wilson,  
Winans,  
Woodman,  
Wright,  
Speaker,

67

#### NAYS.

Mr. Cook,  
Stewart,

Mr. Wheeler,

Mr. Woodward,

4

Title agreed to.

On motion of Mr. Sessions,

By a vote of two-thirds of all the members elect, the bill was ordered to take immediate effect.

By the judiciary committee:

The committee on the judiciary to whom was referred



A bill to provide for the removal of stagnant and impure waters in townships,

Respectfully report that they have had the same under consideration, and return the same to the House with the recommendation that it do not pass, and ask to be discharged from the further consideration of the same.

EUGENE PRINGLE, *Acting Chairman.*

Report accepted and committee discharged.

On motion of Mr. Sessions,

The bill was laid on the table.

By the judiciary committee :

The committee on the judiciary to, whom was referred

A bill to amend section 33, of chapter 109, of the revised statutes of 1846, being section 4648, of the compiled laws, relative to partition of lands owned by several persons,

Respectfully report they have had the same under consideration, and return the same to the House with the recommendation that it do pass, and ask to be discharged from the further consideration of the same.

EUGENE PRINGLE, *Acting Chairman.*

Report accepted, and committee discharged.

The bill was ordered printed, referred to the committee of the whole, and placed on the general order.

By the committee on the judiciary :

The committee on the judiciary, to whom was referred

A bill to amend section 6, of chapter 87, of the revised statutes of 1846,

Respectfully report that they have had the same under consideration, return the said bill to the House without amendment, recommend that it do pass, and ask to be discharged from the further consideration of the same.

EUGENE PRINGLE, *Acting Chairman.*

Report accepted and committee discharged.

The bill was ordered printed, referred to the committee of the whole, and placed on the general order.



By the judiciary committee :

The committee on the judicary, to whom was referred

A bill to amend section 24, chapter 108, of compiled laws,

Respectfully report that they have considered the same, and instructed their chairman to report the same to this House with the recommendation that the bill do not pass, and ask to be discharged from the further consideration of the same.

E. PRINGLE, *Acting Chairman.*

Report accepted and committee discharged.

On motion of Mr. Ramsdell,

The bill was laid on the table.

By the committee on State affairs:

The committee on State affairs, to whom was referred

A bill to provide for publishing the statistics of the State of Michigan, taken by authority of the United States in the year 1860,

Have had the same under consideration, and are of the opinion that the House should not concur in the amendments adopted in committee of the whole ; and the committee recommend that the original bill do pass, without amendment, and ask to be discharged from the further consideration of the same.

All of which is respectfully submitted.

W. E. BUNCE, *Acting Chairman.*

Report accepted and committee discharged.

On motion of Mr. Hill,

The House concurred in the amendments made by the committee.

The bill was referred to the committee of the whole and placed on the general order.

By the committee on education :

The committee on education have had under consideration the bill entitled

A bill establishing a mining school at Houghton, in the county of Houghton,

And would respectfully report that your committee are satis-



fied that the interests on Lake Superior require a high school of a very different character from those maintained in the agricultural portions of the State. Mining, as a business, has a distinct and fixed character, and cannot be acquired by routine alone. To prosecute it successfully, requires an intimate knowledge of geology, mineralogy, mathematics, the physical sciences, and chemistry, besides the practical application of all kinds of mechanical power, and a thorough knowledge of the operations carried on in mining in the various countries of the world.

The greatest difficulty the companies have had to contend with, in mining for copper on Lake Superior, has arisen from the want of competent mining engineers to superintend and direct their operations. In looking back, and carefully studying the history of the various companies, and the causes of their failure, the wonder is that any have succeeded. Many of them have been ruined by ignorant self-styled geologists and engineers, who had no knowledge whatever to properly fit them for the business they undertook to manage, and had it not been for chance, and that almost alone, in the discovery of the rich veins at the Cliff and Minnesota mines, these men would probably have ruined every company on the whole mineral range, driven away every dollar of capital invested, and made the world believe, for an indefinite period, that mining for copper in that portion of Michigan bordering on Lake Superior, was not only unprofitable, but wholly an impracticable business.

The determination of the question, whether or not Michigan is to become the greatest copper country in the world, was thus left to the decision of men wholly incompetent to form a correct judgment; in fact, to mere chance. The State should never have assumed such a risk. The character of the mineral range in which these deposits of copper are found is unlike that of any other country. It is a study of itself, and one not easily mastered. To enable men to fit themselves for this business, your committee believe that it is the duty, as well as for the best interests of the State, to give every encouragement to the four-



dation of such a school as is proposed in the bill reported. Once properly organized, it will form the depot where every fact tending to further the knowledge of this great mineral deposit will be recorded and preserved for future use. All mining companies on the lake should make full and ample reports as often as once in each year, with diagrams of all the work performed, and specimens of the minerals produced, to be deposited in said school; and the trustees or president should annually prepare a full report, not only of the progress made by the school, but also of the various reports made by the mining companies, and in this manner preserve a complete contemporaneous history of the development of this most remarkable copper mining district in the world. Fully appreciating the necessity of such a school, your committee report back the bill with the recommendation that it pass.

B. L. HILL, *Chairman.*

Report accepted and committee discharged.

The bill was ordered printed, referred to the committee of the whole, and placed on the general order.

By the committee on public lands :

The committee on public lands, to whom was referred the petition of J. L. Fletcher and 50 others, praying that the State would grant him, the said Fletcher, 40 acres of land upon which he had become an actual settler in 1857, with the intention of making it a homestead,

Would respectfully report that they have had the same under consideration, and as it appears that the said Fletcher located on the land he describes as southeast quarter of the south-east quarter of section 2, in town 6 north of range 15 west ; now it appears to your committee that the memorialist entered and settled upon said land without provision of law authorizing the same ; consequently, must have done so at his peril or risk : and it further appearing that the above described land was by the State granted to the Holland Harbor Improvement company in 1859, and therefore it is not possible to grant the request of the memorialist ; we therefore recommend that the petitioner



have leave to withdraw his petition, and ask to be discharged from the further consideration of the same.

All of which is respectfully submitted.

J. C. WATERBURY, *Chairman.*

Report accepted and committee discharged, and leave granted to withdraw the petition.

By the committee on public lands :

The committee on public lands, to whom was referred

A bill to amend section 7, chapter 82, of compiled laws, relative to sale of university and primary school lands,

Would respectfully report that they have had the same under consideration, and have made an amendment thereto, and recommend that the same do pass as amended, and ask to be discharged from the further consideration of the same.

All of which is very respectfully submitted.

J. C. WATERBURY, *Chairman.*

Report accepted and committee discharged.

On motion of Mr. A. L. Green,

The House concurred in the amendment made by the committee.

The bill was referred to the committee of the whole, and placed on the general order.

By the committee on towns and counties :

The committee on towns and counties, to whom was referred a petition of the board of Supervisors of Muskegon county, asking a repeal of the act organizing said county, direct me to report, that in the opinion of this committee, no such action is necessary at this time nor is it called for by a majority of the inhabitants of said county, we therefore recommend that the prayer of the petitioners be not granted.

JOHN B. WILSON, *Chairman.*

Report accepted and committee discharged.

By the committee on towns and counties :

The committee on towns and counties, to whom was referred Senate bill, entitled



A bill to organize the township of Winfield, in the county of Mecosta,

Respectfully report that said bill passed the Senate, Jan. 24, 1861. I am directed to report in favor of the bill and recommend the concurrence of the House, and ask to be discharged from the further consideration of the same.

J. B. WILSON, *Chairman*.

Report accepted and committee discharged.

The bill was referred to the committee of the whole, and placed on the general order.

#### REPORTS OF SPECIAL COMMITTEES.

By the special committee on the memorial of Charles Whittlesey:

The special committee to whom was referred the petition of Charles Whittlesey, report that they have had the same under consideration, and ask leave to present the following as their report :

Your committee are of the opinion from all the evidence obtained, that Charles Whittlesey, during the year 1852, did enter at the United States Land Office at Saut St. Mary, in this State, certain lands described as follows: South half of northeast quarter, the northwest quarter, the east half of southwest quarter, and northwest quarter of southeast quarter of section twenty, in town fifty-eight north, range thirty west, and received therefore the usual certificates of entry. A portion of the above lands were entered in company with Pratt. That during the year 1853 it was discovered that said lands were included in the grant of land from the General Government to the State of Michigan known as the "Swamp Land Grant," and consequently void. The evidence shows that said Whittlesey, on being notified that said lands were included in said grant and cancelled accordingly, that he did under the provision of chapter 76 of the session laws of 1853, page 116, proceed to re-enter the said lands by filing with the Commissioner of the State Land Office the necessary application therefor, as shown by a letter from



Porter Kibbee, Commissioner of State Land Office, to said Whittlesey, dated Aug. 2, 1853, also two letters from Allen Goodrich, Deputy Commissioner of State Land Office, to the same effect, dated June 19th, 1855, and June 14th, 1858.

Your committee are of the opinion that said Whittlesey did deposit with the Peninsular Bank, at Detroit, to the credit of the State Treasurer of Michigan, the sum of two hundred and seventy-five dollars, as shown by a letter from the Peninsular Bank, at Detroit, dated May 23d, 1858; also, the acknowledgments of Porter Kibbee during the year 1858 or 1859, to John W. Longyear, of this city, who was then acting attorney for said Whittlesey, which acknowledgments were to the effect that he (Kibbee) had in his possession the said two hundred and seventy-five dollars, and did, on several different occasions, agree to pay over said money to said attorney, which evidence is satisfactory to your committee that the said Porter Kibbee has wrongfully withheld or neglected to pay over to the State Treasurer the said sum of two hundred and seventy-five dollars, which was due said department.

Your committee suggest that the Attorney General be authorized and instructed to collect the same by suit or otherwise. And your committee further recommend that the Commissioner of the State Land Office be directed to issue the necessary certificates of purchase to said Charles Whittlesey for so much of the south half of the north-east quarter, of the north-west quarter, the east half of the south-west quarter, and the north-west quarter of the south-west quarter of section 20, in town 58 north of range 30 west, as is contained in his application to enter. (Part of the above lands appear to have been entered in the name of Whittlesey and Pratt.) Your committee recommend that the memorial be printed in the journal, and ask to be discharged from the further consideration of the same.

All of which is respectfully submitted.

ED. H. JONES, *Acting Chairman.*

Report accepted, and the committee instructed to report by



bill or joint resolution, in accordance with the views embraced in their report.

The memorial was ordered printed in the journal, in accordance with the recommendation of the committee.

The following is the memorial :

*To the Legislature of the State of Michigan :*

Your petitioner, Charles Whittlesey, a resident of Ohio, represents to your Honorable body, that on the 21st day of June, 1852, himself and Wm. A. Pratt, entered at the United States land office at Sault St. Mary, in the State of Michigan, the west half of section twenty (w. h. sec. 20), T. 58 north, range 30 west, containing 320 acres ; and on the 29th day of June, 1852, the subscriber entered at the same office, the south half of the north-east quarter of the same section, town and range, receiving from said office the usual certificates of said entries.

Afterwards, and sometime in the winter of 1852-3, it was discovered that said locations conflicted in part with selections of swamp lands made by the State of Michigan, under act of Congress of Sept., 1850.

The Legislature, at its session of 1852-3, passed an act in reference to such cases, entitled chapter 76, approved February 14th, 1853. (See page 116, laws of 1853.)

Section 2d of this act provides that any person who has purchased such swamp lands of the United States, may, by paying within one year, to this State, the sum of one dollar and twenty-five cents per acre, have a title from the State.

On the 12th of May, 1853, the Commissioner of the general land office at Washington, canceled the above entries, except as to 40 acres, the south-west quarter of south-west quarter, on account of said conflict, and returned the certificates and payments.

On or about the 25th of May, 1853, and as soon as this petitioner was officially informed of said cancellation, and in accordance with a letter of directions from the State land office, he filed a formal application under the law of 1853, chapter 76, accompanied by a certificate of deposit at the Peninsular Bank,



Detroit, for two hundred and seventy-five dollars in favor of the State Treasurer, that being the amount due at \$1 25, for my interest of 220 acres.

To this application the office replied by letter, dated May 27, 1852, acknowledging the receipt of the certificate of deposit, and stating that the "evidence furnished with your application to show that you had bought said land of the United States, will be, I think, sufficient to entitle you to the benefit of section 2d of act 76 of 1853."

On the 12th day of August, 1853, the Commissioner, Porter Kibbee, writing from Lansing, says—"In regard to the swamp lands for which you applied for, a title will be made and forwarded to you as soon as we receive the list of swamp lands in that district. Nothing more is to be done by you to secure a title."

Application was frequently made by me to the office for a regular certificate of my right in said land, as relying upon the faith of the State, I had contracted to sell some part thereof. In a reply from the office, dated June 19th, 1855, the Deputy Commissioner, Allen Goodrich, states that the title was not vested in the State, and therefore certificates cannot be issued. But as soon as patents are received, certificates of purchase will be issued "to all those who like you have filed satisfactory evidence of their right, and deposited their money for the payment."

Matters remained thus until late in 1857 or early in 1858, when, in reply to inquiries at the State Land Office, the Commissioner informed me that there was no such application of mine in the office, nor any money paid, or letters or papers relating to the same.

The Commissioner suggested that a new application be filed, attended by new proofs, and a second payment of the money. The application was renewed and new proofs furnished to replace the files at the land office; but as it is clear that the money had once been in the treasury and credited to the State, I have declined to pay it over again.

The President of the Peninsular Bank, in a letter dated May



23d, 1858, says that my certificate of deposit was sent to the Bank in a letter from the State Treasurer of August 5th, 1853, endorsed by J. C. Bailey, Deputy Treasurer, and passed to the credit of the State on the books of the Bank.

It afterwards appeared, by a letter from Allen Goodrich, dated June 14th, 1858, that when Mr. Kibbee left the office in 1855, he was by some means in possession of the money of the State to the amount of \$275, for which he left in the hands of his deputy his check of November, 1854, and that Goodrich and Kibbee abstracted this check and all the papers from the office.

During the past two years I have made constant efforts with the officers of the State for the time being in all its departments, to procure title to my lands without success.

Having exhausted all other means, I now pray your Honorable body for relief, that the proper officers may be required to make said conveyances, and also for a reasonable compensation for the delay, trouble and expense incurred.

CHARLES WHITTLESEY.

#### MESSAGES FROM THE SENATE.

The Speaker announced the following :

SENATE CHAMBER,  
Lansing, January 25, 1861. }

*To the Speaker of the House of Representatives :*

SIR:—I am instructed by the Senate to transmit the following entitled bill :

A bill to change the name of Cynthia Massey to Tinney Young.

Which has passed the Senate by a majority vote of all the Senators elect, and in which the concurrence of the House is respectfully asked.

Very respectfully,

A. B. TURNER,

*Secretary of the Senate.*

The bill was read a first and second time by its title, and referred to the committee on the judiciary.

Also the following :



SENATE CHAMBER,  
*Lansing, January 25, 1861.* }

*To the Speaker of the House of Representatives:*

SIR:—I am instructed to return to the House the following entitled bill:

A bill to amend an act entitled an act to authorize the incorporation of bridge companies, approved April 4, 1851;

In the passage of which the Senate has concurred by a majority vote of all the Senators elect, and has ordered the same to take immediate effect by a vote of two-thirds of all the Senators elect.

Very respectfully,

A. B. TURNER,

*Secretary of the Senate.*

The bill was referred to the committee on engrossment and enrollment.

MOTIONS, RESOLUTIONS AND NOTICES.

Mr. T. M. Wilson asked the unanimous consent of the House to move the reconsideration of the vote by which the House resolved to adhere to their action upon joint resolution entitled Joint resolution relative to the state of the Union.

Objections being made by Mr. Howell,

The motion was decided to be out of order.

Mr. Gregory offered the following:

*Resolved*, That the committee of the whole be discharged from the further consideration of a bill entitled

A bill to authorize fractional school district No. 3, of the townships of Sylvan and Lima, county of Washtenaw, to issue bonds;

Which was adopted.

Mr. Gregory moved that the rules be suspended, and that the bill be placed on its final passage;

Which motion prevailed.

The bill, being House bill, entitled

A bill to authorize fractional school district No. 3, of the townships of Sylvan and Lima, county of Washtenaw, to issue bonds,



Was then read a third time and passed, a majority of all the members elect voting therefor, by yeas and nays, as follows :

## YEAS.

Mr. Alexander,	Mr. N. K. Green,	Mr. Sessions,
Baker,	Hadley,	Shank,
Beamer,	Henderson,	Shanahan,
Blakeslee,	Hemingway,	Smith,
Brownell,	Hill,	W. N. Stevens,
Bunce,	Hodges,	Stewart,
Chase,	Howell,	Stoddard,
Childs,	Hurd,	Strong,
Choate,	Jones,	Taylor,
Cook,	Joy,	Tibbits,
Cooley,	Kanouse,	Toll,
Crego,	Kelsey,	Wade,
Cutcheon,	Leetch,	Wallin,
A. W. Davis,	Miller,	Warner,
C. Davis,	Moore,	Waterbury,
Douglas,	Persons,	Wetherby,
Fallass,	Peters,	Wheeler,
Follett,	Peterson,	T. M. Wilson,
Foots,	Phelps,	J. B. Wilson,
Fowle,	Piper,	Winans,
Gilbert,	Pratt,	Woodman,
Goodrich,	Pringle,	Woodward,
Gregory,	Ramsdell,	Wright,
A. L. Green,	Rankin,	Speaker, 72

## NAYS.

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Title agreed to.

On motion of Mr. Gregory,

By a vote of two-thirds of all the members elect, the bill was ordered to take immediate effect.

Mr. Sessions gave notice that on some future day he would ask leave to introduce

A bill to amend section 5, of chapter 81, of the revised statutes of 1846, being section 2436 of compiled laws, relative to bonds of county treasurers in certain cases.

Mr. Sessions offered the following :

*Resolved*, That the committee on public lands be instructed to ascertain what amounts of moneys, and of swamp lands, have been applied to the construction of swamp land roads under the



act of 1859, and what sums have been expended in laying out the same, what has been paid to the commissioners, and what claims, if any, yet unallowed, have been presented by such commissioners and others, and also what is the state of progress of the several roads, and such other facts relating to the subject as said committee deem important, and report the same to this House;

Which was adopted.

Mr. Phelps, unanimous consent being given, introduced

A bill to amend section five of an act to amend an act to provide for assessing property at its true value, and for levying and collecting taxes thereon, approved February 14, 1853.

The bill was read a first and second time by its title, and referred to the committee on ways and means.

Mr. Hill, unanimous consent being given, introduced

A bill to amend chapter 60, of the revised statutes of 1846, and the several acts amendatory thereto, in relation to the sale of the university, primary school, salt spring and swamp lands.

The bill was read a first and second time by its title and referred to the committee on public lands.

Mr. Baker, unanimous consent being given, introduced

A bill to authorize the township of Danby, Ionia county, to appropriate the non-resident highway tax for building a bridge across Grand River, in said township.

The bill was read a first and second time by its title, and referred to the committee on roads and bridges.

Mr. Woodman, unanimous consent being given, introduced

A bill to authorize the trustees of the First Congregational Church of Lawrence, Van Buren county, to mortgage real estate.

The bill was read a first and second time by its title, and referred to the committee on banks and incorporations.

Mr. Gregory moved to take from the table the following resolution :

*Resolved*, That House rule No. 5 be and the same is hereby amended so as to read as follows: "The yeas and nays of the



members of the House, on any question, shall be entered on the journal at the request of one-tenth of the members elected."

Which motion prevailed.

The question recurring upon the adoption of the resolution, Mr. Gregory called for the yeas and nays.

The call was seconded.

Mr. Shank then moved to amend the resolution by striking out the words "one-tenth," and inserting in lieu thereof the words "one-twentieth ;"

Which motion did not prevail.

The resolution was adopted, by yeas and nays, as follows:

#### YEAS.

Mr. Alexander,  
Atwood,  
Beamer,  
Blakeslee,  
Brownell,  
Bunce,  
Chase,  
Choate,  
Cook,  
Cooley,  
Crego,  
Cutcheon,  
A. W. Davis,  
C. Davis,  
Douglas,  
Foote,  
Fowle,  
Gilbert,

Mr. Goodrich,  
Gregory,  
A. L. Green,  
Hadley,  
Henderson,  
Hemingway,  
Hill,  
Hodges,  
Howell,  
Hurd,  
Jones,  
Joy,  
Leetch,  
Persons,  
Peters,  
Peterson,  
Piper,  
Pringle,

Mr. Shank,  
Shanahan,  
W. N. Stevens,  
Stoddard,  
Strong,  
Taylor,  
Toll,  
Wade,  
Wallin,  
Warner,  
Wetherby,  
T. M. Wilson,  
Winans,  
Woodman,  
Woodward,  
Wright,  
Speaker,

53

#### NAYS.

Mr. Baker,  
Childs,  
Cox,  
Fallass,  
Follett,  
N. K. Green,  
Kanouse,

Mr. Kelsey,  
Miller,  
Moore,  
Phelps,  
Pratt,  
Ramsdell,  
Rankin,

Mr. Sessions,  
Smith,  
Stewart,  
Tibbits,  
Waterbury,  
Wheeler,  
J. B. Wilson, 21

Pending the announcement of the vote,

Mr. Tibbits moved that Mr. Strong be excused from voting ;

Which motion did not prevail.



Mr. Strong then voted as above.

Mr. Howell offered the following as an amendment to rule — :

Rule — “ Any member asking leave to introduce a bill without previous notice, shall state to the House the title or general objects of the bill ; or in introducing a motion or resolution by unanimous consent, shall make such statement as to its nature and object.”

Laid on the table for one day, under the rules.

Mr. Ramsdell gave notice that on some future day he would ask leave to introduce

A bill to amend act No. 10, of the session laws of 1858.

Mr. Pratt gave notice that on some future day he would ask leave to introduce

A bill to amend section 188, of chapter 117, of the compiled laws, in relation to appeals from justices of the peace.

Mr. T. M. Wilson offered the following, to stand as rule — of this House:

RULE — Whenever any new member has been deceived by the sharp practice of the older members, he shall have the privilege at any time to change his vote.

Laid on the table for one day, under the rules.

Mr. Pringle offered the following :

*Resolved*, That the afternoon sessions of this House be considered as continuous of the morning sessions, unless otherwise specially ordered.

Which was adopted.

Mr. Phelps asked and obtained leave of absence for Mr. Chapton until Tuesday next.

Mr. Waterbury asked and obtained leave of absence for Mr. Ira Davis until Wednesday next.

On motion of Mr. Hodges,

The House adjourned till next Monday morning at 10 o'clock.



*Lansing, Monday, January 28, 1861.*

House met pursuant to adjournment, and was called to order by the Speaker.

Prayer by Rev. Mr. Armstrong.

Roll called: quorum present.

Absent at roll call without leave, Messrs. Cooley, Miller, Phelps, Sessions.

Mr. A. W. Davis asked and obtained leave of absence for Mr. Cooley for one day.

Mr. Woodward asked and obtained leave of absence for Mr. Miller until Wednesday next.

Mr. Fallass asked and obtained leave of absence for Mr. Phelps until Tuesday.

Mr. Follett asked and obtained leave of absence for Mr. Sessions until afternoon.

**PETITIONS PRESENTED.**

By Mr. Pratt: the petition of Elisha H. Brooks and forty others, praying for a State Road from the county seat of Isabella county, to Saint Louis, in Gratiot county.

Referred to the committee on public lands.

By Mr. Kelsey: petition of R. S. Johnston, S. S. Martin, S. A. Martin and seventy-four others, for an act appropriating certain highway taxes, in the county of Shiawassee, for the improvement of the Corunna and Flushing State Road.

Referred to the committee on roads and bridges.

By Mr. Wade: petition of the township treasurer of the township of Napoleon, Jackson county, for an extension of the time for the collection of taxes in said township.

Referred to the committee on judiciary.

By Mr. Stewart: petition of James M. Rollin and thirty-two others, for a law providing for a county superintendent of schools in each organized county.

Referred to the committee on education.

By Mr. Goodrich: petition of John Q. A. Sessions and thirty-seven others, for a provision for a county superintendent of schools, &c.



Referred to the committee on education.

By Mr. Jones : petition of Charles W. Clisbee and seven others, praying for an amendment of section 5690, of the compiled laws of 1857.

Referred to the committee on the judiciary.

By Mr. Gilbert : petition of George H. White and others, for the passage of a law authorizing the Auditor General to cancel tax deeds in certain cases.

Referred to the committee on ways and means.

#### REPORTS OF STANDING COMMITTEES.

By the judiciary committee:

The committee on the judiciary, to whom was referred

A bill to amend section 5646, of chapter 175, of the compiled laws of 1857, relative to fees of witnesses in civil cases,

Respectfully report that they have had the same under consideration and report the said bill back to the House with the accompanying amendments, and recommend that when so amended the bill do pass, and ask to be discharged from the further consideration of the same.

EUGENE PRINGLE, *Acting Chairman.*

Report accepted and committee discharged.

On motion of Mr. Tibbits,

The House concurred in the amendments made by the committee.

The bill was referred to the committee of the whole and placed on the general order.

By the judiciary committee :

The committee on the judiciary, to whom was referred

A bill to amend sections 1 and 2, of chapter 154, of the compiled laws,

Respectfully report that they have had the same under consideration, and report the said bill back to the House, with the accompanying amendments, with the recommendation that it do pass, when so amended, and ask to be discharged from the further consideration of the same.

E. PRINGLE, *Acting Chairman.*



Report accepted and committee discharged.

On motion of Mr. Alexander,

The House concurred in the amendments made by the committee.

The bill was ordered printed, referred to the committee of the whole, and placed on the general order.

By the committee on banks and incorporations :

The committee on banks and incorporations, to whom was referred

A bill to amend an act entitled an act to incorporate the village of Bay City, approved February 9, 1859,

And also, petition of Albert Miller and 108 others, praying for the amendment proposed to be made in section 1 of the act referred to, respectfully report that they have considered the same and return said bill back to the House without amendment, and recommend that it do pass, and ask to be discharged from the further consideration thereof.

E. PRINGLE, *Chairman.*

Report accepted and committee discharged.

On motion of Mr. Pringle,

The bill was referred to the committee of the whole, and placed on the general order.

By the committee on banks and incorporations :

The committee on banks and incorporations have had under consideration the petition of H. N. Phelps and 21 others, and also,

A bill to authorize the trustees of the First Congregational Church of Lawrence, Van Buren county, to mortgage real estate,

And respectfully report in favor of granting the prayer of the petitioners as proposed by the said bill, and return the said bill without amendment, and recommend that it do pass, and ask to be discharged from the further consideration of the same.

E. PRINGLE, *Chairman.*

~~Report accepted and committee discharged.~~



On motion of Mr. Woodman,  
The bill was laid on the table.

By the committee on printing:

The committee on printing would respectfully report that agreeable with a resolution of this House, adopted on the 20th inst., they have procured the printing of one thousand copies of the Adjutant and Quarter Master General's Report for 1861, which have been delivered by the State Printers, and the committee ask to be discharged from further action in the matter.

F. H. RANKIN, *Chairman*.

Report accepted and committee discharged.

By the committee on engrossment and enrollment:

The committee on engrossment and enrollment, report as correctly enrolled, signed and presented to the Governor, the following bills:

A bill to amend section 44, of chapter 65, of the revised statutes of 1846, compiled laws, vol. 2, sec. 2763, in relation to the discharge of mortgages;

Also,

A bill to amend an act entitled an act to authorize the incorporation of bridge companies.

L. P. ALEXANDER, *Acting Chairman*.

Report accepted.

By the committee on education:

The committee on education, to whom was referred the petition of 51 ladies of Detroit, members of the Ladies' Christian Union, for a reform school for girls, have had the same under consideration, and direct me to report thereon.

However humiliating to our pride the fact may be, it is nevertheless true that we have, all over our State, but more especially in the cities, no inconsiderable number of the victims of misfortune, vice and crime, in the persons of girls, whose condition calls for our sympathy and demands our aid.

No father or brother who has a soul properly imbued with the spirit of love and kindness which refined and elevated



humanity exercises towards the sisters of our race, can contemplate and properly appreciate this subject, without feeling himself under the strongest obligations to act promptly and efficiently in behalf of these children of misfortune, who are but too often rendered such by the reprehensible conduct of those who should be to them as brothers and protectors.

These children appeal more strongly to our sympathies from the fact that society has, for a long time, as it were by common consent, doomed the female who once may have stepped aside, in some thoughtless or misguided moment, from the path of rectitude, to irrevocable infamy and unrestorable exclusion from respectable associations.

However wrong, however cruel it may be, it cannot be denied that while the offending brother is often restored to his place in society, the sister, his victim, whose crushed and bruised spirit is free from premeditated wrong, is forever barred from restoration.

It matters not, so far as the subject of this cruelty is concerned, who are in fault. It matters not that her more favorite sisters, whose sympathies should throw the mantle of charity over her, and whose arms of love and kindness should encircle and restore her, spurn her from their doors as a pestilential thing; her case appeals to us just as strongly,—yea, more strongly,—and demands, while we are preparing a home, a school, a haven of safety for her erring brother, that we bestow some thought on her—stay one moment, and listen to her complaint; that we furnish a refuge to which she can flee for safety from the sure destruction that awaits her without our aid. It is wrong to refuse or neglect any longer to provide for the daughters of the land, as we have for the sons, ample means for the education of those whose situation in life has shielded them from poverty, vice and crime, but it is cruel, it is *criminal*, to neglect to provide a refuge for those who, without it at our hands, must be irretrievably lost. None now doubt the propriety of providing the Reform School for boys; none doubt the



great blessing it will confer upon its inmates, upon the State and the human race.

Is it because the character and influence of the brother is of so much more value to the world, that he is cared for, while the sister is neglected? Is it because science is more elevating, virtue and purity more lovely in the brother than the sister, that he is educated and reformed, while she is neglected and cast out? Is it because his soul is more precious in the sight of God than hers, that he is put on the road to honor and usefulness, while she is left to be cast out in utter disgrace and wretchedness?

We hope that, notwithstanding the embarrassed state of our finances, there will be some means devised to accomplish this good work, to meet the pressing demands upon our sympathies and our sense of *justice*. Ought we not, if need be, to draw from the resources of some of the other institutions, or to come boldly up to the work, and claim what is right and is our duty to demand from the whole people, for these unfortunates? Ought we not to levy a tax sufficient to meet the demand? Ought we to be deterred and turned aside by mere cold dollar and cent considerations? Let us, by our acts, prove that

"Some feelings are to parents given,  
With less of earth in them than Heaven;  
And if there be a human tear  
From passion's dross refined and clear,  
'Tis that which virtuous fathers shed  
Upon an erring daughter's head."

We recommend the establishment of an institution, at some time, in accordance with the prayer of the petitioners, to be located in some pleasant, healthy part of the State, accessible by railroad or steamboat, or both, where plenty of pure water can be obtained, and where the atmosphere is not tainted by the miasma arising from swamps or marshes, convenient to some good market town, but in the country, where nature's scenery is such as to inspire the souls with pleasure and gratitude to a beneficent Providence, and elevate the thoughts above



the demoralizing and degrading influences from which they have been wrested by the benevolent hand of our State.

Desiring the accomplishment of the end, but doubtful as to the means, we offer the following resolution, and recommend its adoption, and ask to be discharged.

B. L. HILL, *Chairman.*

Report accepted and committee discharged.

The following is the resolution reported by the committee:

*Resolved*, That the committee on ways and means be requested to report to the House at some future day, what means, if any, can be provided for the establishment of a Reform School for girls, and if in the opinion of said committee, sufficient provisions can be made, to report a bill for the said school, and that the petition be referred to said committee of ways and means;

The resolution was adopted, and the petition referred to the committee on ways and means.

On motion of Mr. Howell,

The report was ordered printed.

By the committee on roads and bridges:

The committee on roads and bridges, to whom was referred the memorial of the Board of Supervisors of Saginaw county, asking for the repeal of act No. 48 of session laws of 1859, have had the same under consideration, and report the accompanying bill, entitled.

A bill to repeal act No. 48 of session laws of 1859, approved February 3d, 1859, in relation to the appropriation and expenditure of certain unexpended highway taxes on a road therein mentioned,

And recommend its passage, and ask to be discharged from its further consideration.

N. K. GREEN, *Chairman.*

Report accepted and committee discharged.

On motion of Mr. Green,

The bill was referred to the committee of the whole, and placed on the general order.



By the majority of the committee on judiciary :

The majority of the committee on judiciary, to whom was referred

A bill to amend section 5690, of the compiled laws of 1857, relative to fees of witnesses in criminal cases,

Respectfully report that they have had the said bill under consideration, return the same with the accompanying substitute, with the recommendation that the said substitute do pass, and ask to be discharged from the further consideration of the subject.

M. M. ATWOOD, *for the majority.*

Report accepted, and leave granted the minority of the committee to report.

The following is the report of the minority of the committee on the judiciary:

The undersigned, a minority of the committee on the judiciary, to whom was referred

A bill to amend section 5690, of chapter 176, of the compiled laws, relative to fees of witnesses in criminal cases,

Dissents from the majority of said committee in the proposed substitute reported to said bill. He also dissents from the changes proposed by said bill, and considers that it would be bad public policy to adopt either plans proposed.

In the early history of this State, and in many other States, it has been the policy of the law to require the attendance of witnesses in criminal cases without any fees, except in the case of foreign witnesses or poor persons, where the court was authorized to allow reasonable sums out of the county treasury for expenses. It was considered that as criminal courts were held solely for the protection of persons and property by means of the trial and punishment of those who violate the laws, it was not a hard thing to require of every citizen able to defray his own expenses, to attend as a witness for the public good. It was also deemed good public policy that no person should have a pecuniary interest in being a witness against his fellow man,



and that the malice with which many prosecutions are urged should be tempered or restrained in the minds of accusers by the consideration that they would have to lose the time and pay their own expenses while attending the courts.

It is believed that that these reasons have lost none of their former force, nor were they entirely lost sight of, when, in the year 1849, the law (now proposed to be amended) was passed giving to witnesses residing out of the township or city where the court might be held, a travel fee of six cents a mile, and an allowance of seventy-five cents per day in courts of record, and fifty cents in justices' courts, with proportional amounts for each half days' attendance. This allowance was evidently designed to cover the actual expenses of witnesses, and not as a compensation for their time, and it is believed to be, on an average sufficient for the purpose intended.

The bill referred proposes to allow to such witnesses at the rate of a dollar and a half per diem in courts of record, and one dollar in justices' courts, and this whether the witnesses reside in the same or another township or city. The substitute proposed by the committee allows one dollar a day in courts of record, and fifty cents in justices' courts, whether witnesses reside where the court is held or in other townships or cities. While it may be said in behalf of the original bill that it contemplates compensation to all witnesses to an extent beyond their ordinary expenses, which would perhaps be proper, except for considerations of public policy. It may be remarked that the plan of the majority of the committee would compensate at the rates mentioned the witnesses living in cities and villages, and especially at county seats, *for their time*, while witnesses at a distance would have but little more than sufficient, on the average, to pay their expenses. Shall we add a numerous class of convenient witnesses to the justices of the peace and constables who sometimes have an over anxiety to make money by criminal prosecutions.

It having been stated that some townships approach in size the smaller counties, it is respectfully suggested that if any



change is to be made, it should be so as to allow fees in all cases where the witness travels a distance of three miles or more, and not otherwise. A substitute bill, in accordance with this suggestion, is herewith submitted, entitled

A bill to amend section 2 of an act entitled act relative to the costs of proceedings in criminal cases, approved March 13, 1849.

An effect of the original bill, if adopted, would be pretty certainly to quadruple the sums heretofore paid for witnesses in criminal cases. The bill as reported by the majority of the committee would more than double them; the change proposed in the accompanying substitute would probably slightly reduce them.

All of which is respectfully submitted.

EUGENE PRINGLE.

Report accepted and committee discharged.

On motion of Mr. Howell,

The substitutes offered by the majority and minority of the committee were ordered printed, referred to the committee of the whole and placed on the general order.

#### MESSAGES FROM THE SENATE.

The Speaker announced the following :

SENATE CHAMBER,  
*Lansing, January 26, 1861.* }

*To the Speaker of the House of Representatives :*

SIR:—I am instructed to return to the House the following entitled bills :

A bill to extend the time for the collection of taxes in the townships of Lyons and Boston, Ionia county, for the year 1860;

A bill to extend the time for the collection and return of taxes in the unorganized territory of Manitou county ;

In the passage of which the Senate has concurred by a majority vote of all the Senators elect, and has ordered the same



to take immediate effect by a vote of two-thirds of all the Senators elect.

Very respectfully,

A. B. TURNER,

*Secretary of the Senate.*

The bills were referred to the committee on engrossment and enrollment.

Also the following:

SENATE CHAMBER,  
*Lansing, January 26, 1861.* }

*To the Speaker of the House of Representatives:*

SIR:—I am instructed by the Senate to transmit the following entitled bills:

A bill to amend sections 3520, 3521 and 3522, of chapter 115, of the compiled laws, concerning the abatement and revivor of suits in chancery;

A bill to amend act No. 248 of the laws of 1859, entitled an act to regulate fire, marine, life and health insurance companies, and their agents, associations, partnerships, and individuals doing fire, marine, life, and health insurance business, not incorporated by the State of Michigan, approved February 15, 1859;

Which have passed the Senate by a majority vote of all the Senators elect, and by a vote of two-thirds of all the Senators elect, been ordered to take immediate effect, and in all of which the concurrence of the House is respectfully asked.

Very respectfully,

A. B. TURNER,

*Secretary of the Senate.*

The first named bill was read a first and second time by its title, and referred to the committee on judiciary.

The second named bill was read a first and second time by its title, and referred to the committee on banks and incorporations.

Also the following:



SENATE CHAMBER,  
*Lansing, January 26, 1861.* }

*To the Speaker of the House of Representatives:*

SIR:—I am instructed by the Senate to transmit the following entitled bill:

A bill to amend section 2033, of the compiled laws, relative to gifts and bequests to religious societies,

Which has passed the Senate by a majority vote of all the Senators elect, and in which the concurrence of the House is respectfully asked.

Very respectfully,

A. B. TURNER,

*Secretary of the Senate.*

The bill was read a first and second time by its title, and referred to the committee on banks and incorporations.

MOTIONS, RESOLUTIONS AND NOTICES.

Mr. Gilbert gave notice that on some future day he would ask leave to introduce

A bill to repeal sections 2, 3 and 4, of chapter 177, of the compiled laws;

Also,

A bill to amend section 5735 of the compiled laws, as amended by act No. 189, of the session laws of 1859.

Mr. Childs gave notice that on some future day he would ask leave to introduce

A bill to amend an act to provide for the draining of swamps, marshes and other low lands.

Mr. Warner gave notice that on some future day he would ask leave to introduce

A bill to organize the county of Delta, and to define the limits thereof.

Mr. Warner gave notice that on some future day he would ask leave to introduce

A bill to designate the qualifications necessary to hold the office of circuit court commissioner in the county of Chippewa.



Mr. Kelsey gave notice that on some future day he would ask leave to introduce

A bill appropriating certain highway taxes in the county of Shiawassee, for the improvement of the Corunna and Flushing State road.

Mr. Pratt, previous notice having been given, and leave being granted, introduced

A bill to amend section 188, of chapter 177, of the compiled laws, in relation to appeals from justices courts.

The bill was read a first and second time by its title, and referred to the judiciary committee.

Mr. Beamer, previous notice having been given, and leave being granted, introduced

A bill to legalize certain loans made by the board of education of the city of Port Huron ;

Also,

A bill to amend certain sections of an act entitled an act to revise the charter of the city of Port Huron, approved February 15, 1859;

The bills were read a first and second time by their titles, and referred to the committee on banks and incorporations.

Mr. Childs, unanimous consent being given, introduced

A joint resolution in regard to the renewal of the patent of McCormick's reaping machine.

The joint resolution was read a first and second time by its title, and referred to the committee on agriculture and manufactures.

#### THIRD READING.

House bill, entitled

A bill to change the name of the Algerville and Grand Blanc Plank Road company to the name of Grand Blanc and Holley Plank Road company,

Was read a third time and passed, two-thirds of all the members elect voting therefor, by yeas and nays, as follows :



## YEAS.

Mr. Alexander,	Mr. N. K. Green,	Mr. Shanahan,
Atwood,	Hadley,	Smith,
Baker,	Henderson,	W. N. Stevens,
Beamer,	Hemingway,	Stewart,
Blakeslee,	Hill,	Stoddard,
Brownell,	Hodges,	Strong,
Childs,	Howell,	Taylor,
Choate,	Hurd,	Tibbits,
Cook,	Joy,	Toll,
Cox,	Kelsey,	Wade,
Crego,	Leetch,	Warner,
Cutcheon,	Moore,	Waterbury,
A. W. Davis,	Persons,	Wetherby,
C. Davis,	Peters,	Wheeler,
Douglas,	Peterson,	T. M. Wilson,
Fallass,	Piper,	J. B. Wilson,
Follett,	Pratt,	Winans,
Foote,	Pringle,	Woodman,
Fowle,	Ramsdell,	Woodward,
Gilbert,	Rankin,	Wright,
Goodrich,	Shank,	Speaker,
Gregory,		

64

## NAYS.

0

Mr. Howell moved to reconsider the vote by which the bill was passed ;

Which motion was withdrawn.

The title was then agreed to.

Mr. A. W. Davis moved that the bill be ordered to take immediate effect ;

Which motion did not prevail.

Senate bill, entitled

A bill to repeal act No. 197, of the session laws of 1859, being an act entitled an act to restore certain sections of land to town six south of range five east, approved Feb. 15, 1859,

Was read a third time and passed, a majority of all the members elect voting therefor, by yeas and nays, as follows :

## YEAS.

Mr. Alexander,	Mr. N. K. Green,	Mr. Shanahan,
Atwood,	Hadley,	Smith,
Baker,	Henderson,	W. N. Stevens,



Beamer,  
Blakeslee,  
Brownell,  
Chase,  
Childs,  
Cook,  
Cox,  
Crego,  
Cutcheon,  
A. W. Davis,  
C. Davis,  
Douglas,  
Fallass,  
Follett,  
Foote,  
Fowle,  
Gilbert,  
Goodrich,  
Gregory,

Hemingway,  
Hill,  
Hodges,  
Howell,  
Hurd,  
Joy,  
Kelsey,  
Leetch,  
Moore,  
Persons,  
Peters,  
Peterson,  
Piper,  
Pratt,  
Pringle,  
Ramsdell,  
Rankin,  
Shank,

Stewart,  
Stoddard,  
Strong,  
Taylor,  
Tibbits,  
Toll,  
Wade,  
Warner,  
Waterbury,  
Wetherby,  
Wheeler,  
T. M. Wilson,  
J. B. Wilson,  
Winans,  
Woodman,  
Woodward,  
Wright,  
Speaker,

64

NAYS.

0

Title agreed to.

On motion of Mr. Hodges,

By a vote of two-thirds of all the members elect, the bill was ordered to take immediate effect.

Senate bill, entitled

A bill to amend an act to provide for the construction of train railways, approved February 13, 1855, by adding three new sections thereto, to be numbered sections 33, 34 and 35.

Was read a third time and passed, a majority of all the members elect voting therefor, by yeas and nays, as follows :

YEAS.

Mr. Alexander,  
Beamer,  
Blakeslee,  
Brownell,  
Bunce,  
Chase,  
Childs,  
Choate,  
Cook,  
Cutcheon,  
A. W. Davis,  
C. Davis,

Mr. N. K. Green,  
Hadley,  
Henderson,  
Hemingway,  
Hill,  
Hodges,  
Hurd,  
Jones,  
Joy,  
Kelsey,  
Leetch,  
Moore,

Mr. Ramsdell,  
Rankin,  
Shank,  
Shanahan,  
Smith,  
Stoddard,  
Strong,  
Taylor,  
Tibbits,  
Toll,  
Warner,  
Waterbury,



Douglas,  
Follett,  
Fowle,  
Gilbert,  
Goodrich,  
Gregory,

Persons,  
Peters,  
Peterson,  
Piper,  
Pratt,  
Pringle,

Wetherby,  
T. M. Wilson,  
J. B. Wilson,  
Winans,  
Woodward,  
Speaker. 54

# NAYS.

Mr. Atwood,  
Cox,  
Crego,  
Foote,

Mr. Howell,  
Stewart,  
Wade,

Mr. Wheeler,  
Woodman,  
Wright, 10

The question being on agreeing to the title,

Mr. Pringle moved to amend the same by striking out the word "three" in 2d line, and inserting the word "two" in place thereof; also, by striking out the word and figures "and 35," in 3d and 4th lines, and insert the word "and" after the figures "33," in 3d line ;

Which motion prevailed.

The title, as amended, was then agreed to.

On motion of Mr. Pringle,

By a vote of two-thirds of all the members elect, the bill was ordered to take immediate effect.

Mr. Woodman asked and obtained unanimous consent of the House to take from the table a bill entitled

A bill to authorize the trustees of the First Congregational Church of Lawrence, Van Buren county, to mortgage real estate.

On motion of Mr. Woodman,

The rules were suspended, and the bill put upon its final passage.

The bill was then read a third time and passed, a majority of all the members elect voting therefor, by yeas and nays, as follows :

# YEAS.

Mr. Alexander,  
Atwood,  
Baker,  
Beamer,

Mr. Goodrich,  
Gregory,  
Hadley,  
Henderson,

Mr. Shanahan  
Smith,  
W. N. Stevens  
Stewart,



Blakeslee,	Hemingway,	Stoddard,	
Brownell,	Hill,	Strong,	
Bunce,	Hodges,	Taylor,	
Chase,	Howell,	Tibbits,	
Childs,	Hurd,	Toll,	
Choate,	Jones,	Wade,	
Cook,	Joy,	Warner,	
Cox,	Kelsey,	Waterbury,	
Crego.	Leetch,	Wetherby,	
Cutcheon,	Moore,	Wheeler,	
A. W. Davis,	Persons,	T. M. Wilson,	
C. Davis,	Peterson,	J. B. Wilson,	
Douglas,	Piper,	Winans,	
Fallass,	Pratt,	Woodman,	
Follett,	Pringle,	Woodward,	
Foote,	Ramsdell,	Wright,	
Fowle,	Rankin,	Speaker,	
Gilbert,	Shank,*		65
	NAYS.		0

The question being on agreeing to the title,  
 Mr. Pringle moved to amend by inserting the word "certain"  
 before the words "real estate;"

Which motion prevailed.

The title, as amended, was then agreed to.

On motion of Mr. Howell,

By a vote of two-thirds of all the members elect, the bill  
 was ordered to take immediate effect.

Mr. Shank asked and obtained the unanimous consent of the  
 House to introduce the following entitled bill :

A bill to authorize the trustees of the First Episcopal Church  
 of Lansing to convey to the trustees of the Central Methodist  
 Church of Lansing, lot number 6, in block number 96, in the city  
 of Lansing.

The bill was read a first and second time by its title, and

On motion of Mr. Shank,

The rules were suspended, and the bill put upon its final  
 passage.

The bill was then read a third time and passed, a majority  
 of all the members elect voting therefor, by yeas and nays, as  
 follows:



## YEAS.

Mr. Alexander,  
Atwood,  
Baker,  
Beamer,  
Blakeslee,  
Brownell,  
Bunce,  
Chase,  
Childs,  
Choate,  
Cook,  
Cox,  
Crego,  
Cutcheon,  
A. W. Davis,  
C. Davis,  
Douglas,  
Fallass,  
Foote,  
Fowle,  
Gilbert,  
Goodrich,

Mr. Gregory,  
Hadley,  
Henderson,  
Hemingway,  
Hill,  
Hodges,  
Howell,  
Hurd,  
Jones,  
Joy,  
Kelsey,  
Leetch,  
Moore,  
Persons,  
Peters,  
Peterson,  
Piper,  
Pratt,  
Pringle,  
Ramsdell,  
Rankin,  
Read,

Mr. Shank,  
Shanahan,  
Smith,  
W. N. Stevens,  
Stewart,  
Strong,  
Taylor,  
Tibbits,  
Toll,  
Wade,  
Warner,  
Waterbury,  
Wetherby,  
Wheeler,  
T. M. Wilson,  
J. B. Wilson,  
Winans,  
Woodman,  
Woodward,  
Wright,  
Speaker,

65

## NAYS.

0

Title agreed to.

On motion of Mr. Shank,

By a vote of two-thirds of all the members elect, the bill was ordered to take immediate effect.

House bill, entitled

A bill to amend an act entitled an act to establish teachers' institutes, approved Feb. 10, 1855,

Was read a third time and passed, a majority of all the members elect voting therefor, by yeas and nays, as follows :

## YEAS.

Mr. Baker,  
Beamer,  
Blakeslee,  
Brownell,  
Bunce,  
Chase,  
Childs,  
Choate,  
Cook,

Mr. Goodrich,  
Gregory,  
Hadley,  
Henderson,  
Hill,  
Hodges,  
Howell,  
Hurd,  
Jones,

Mr. Smith,  
W. N. Stevens,  
Stewart,  
Stoddard,  
Strong,  
Taylor,  
Tibbits,  
Wade,  
Warner,



Blakeslee,  
 Brownell,  
 Bunce,  
 Chase,  
 Childs,  
 Choate,  
 Cook,  
 Cox,  
 Crego.  
 Cutcheon,  
 A. W. Davis,  
 C. Davis,  
 Douglas,  
 Fallass,  
 Follett,  
 Foote,  
 Fowle,  
 Gilbert,

Hemingway,  
 Hill,  
 Hodges,  
 Howell,  
 Hurd,  
 Jones,  
 Joy,  
 Kelsey,  
 Leetch,  
 Moore,  
 Persons,  
 Peterson,  
 Piper,  
 Pratt,  
 Pringle,  
 Ramsdell,  
 Rankin,  
 Shank,

Stoddard,  
 Strong,  
 Taylor,  
 Tibbits,  
 Toll,  
 Wade,  
 Warner,  
 Waterbury,  
 Wetherby,  
 Wheeler,  
 T. M. Wilson,  
 J. B. Wilson,  
 Winans,  
 Woodman,  
 Woodward,  
 Wright,  
 Speaker,

65

NAYS.

0

The question being on agreeing to the title,

Mr. Pringle moved to amend by inserting the word "certain" before the words "real estate;"

Which motion prevailed.

The title, as amended, was then agreed to.

On motion of Mr. Howell,

By a vote of two-thirds of all the members elect, the bill was ordered to take immediate effect.

Mr. Shank asked and obtained the unanimous consent of the House to introduce the following entitled bill :

A bill to authorize the trustees of the First Episcopal Church of Lansing to convey to the trustees of the Central Methodist Church of Lansing, lot number 6, in block number 96, in the city of Lansing.

The bill was read a first and second time by its title, and

On motion of Mr. Shank,

The rules were suspended, and the bill put upon its final passage.

The bill was then read a third time and passed, a majority of all the members elect voting therefor, by yeas and nays, as follows:



## YEAS.

Mr. Alexander,  
Atwood,  
Baker,  
Beamer,  
Blakeslee,  
Brownell,  
Bunce,  
Chase,  
Childs,  
Choate,  
Cook,  
Cox,  
Crego,  
Cutcheon,  
A. W. Davis,  
C. Davis,  
Douglas,  
Fallass,  
Foote,  
Fowle,  
Gilbert,  
Goodrich,

Mr. Gregory,  
Hadley,  
Henderson,  
Hemingway,  
Hill,  
Hodges,  
Howell,  
Hurd,  
Jones,  
Joy,  
Kelsey,  
Leetch,  
Moore,  
Persons,  
Peters,  
Peterson,  
Piper,  
Pratt,  
Pringle,  
Ramsdell,  
Rankin,  
Read,

Mr. Shank,  
Shanahan,  
Smith,  
W. N. Stevens,  
Stewart,  
Strong,  
Taylor,  
Tibbits,  
Toll,  
Wade,  
Warner,  
Waterbury,  
Wetherby,  
Wheeler,  
T. M. Wilson,  
J. B. Wilson,  
Winans,  
Woodman,  
Woodward,  
Wright,  
Speaker,

65

## NAYS.

0

Title agreed to.

On motion of Mr. Shank,

By a vote of two-thirds of all the members elect, the bill was ordered to take immediate effect.

House bill, entitled

A bill to amend an act entitled an act to establish teachers' institutes, approved Feb. 10, 1855,

Was read a third time and passed, a majority of all the members elect voting therefor, by yeas and nays, as follows :

## YEAS.

Mr. Baker,  
Beamer,  
Blakeslee,  
Brownell,  
Bunce,  
Chase,  
Childs,  
Choate,  
Cook,

Mr. Goodrich,  
Gregory,  
Hadley,  
Henderson,  
Hill,  
Hodges,  
Howell,  
Hurd,  
Jones,

Mr. Smith,  
W. N. Stevens,  
Stewart,  
Stoddard,  
Strong,  
Taylor,  
Tibbits,  
Wade,  
Warner,



Cutcheon,  
A. W. Davis,  
C. Davis,  
Douglas,  
Fallass,  
Follett,  
Fowle,  
Gilbert,

Kelsey,  
Persons,  
Peters,  
Peterson,  
Pratt,  
Pringle,  
Rankin,  
Shank,

Waterbury,  
Wetherby,  
Wheeler,  
J. B. Wilson,  
Winans,  
Woodward,  
Wright,

50

## NAYS.

Mr. Alexander,  
Atwood,  
Cox,  
Crego,  
Foote,  
N. K. Green,

Mr. Hemingway,  
Joy,  
Leetch,  
Moore,  
Piper,  
Ramsdell,

Mr. Shanahan,  
Toll,  
T. M. Wilson,  
Woodman,  
Speaker,

17

Title agreed to.

House bill, being

A bill to amend an act entitled an act to establish graded and high schools, approved February 14, 1859, being act No. 161, of session laws of 1859,

Being under consideration,

Mr. Tibbits, moved to recommit the bill to the committee on education, with instructions to strike out section 5 ;

Which motion did not prevail.

Mr. Howell moved to lay the bill on the table ;

Which motion did not prevail.

Mr. Tibbits asked the unanimous consent of the House to offer an amendment to the bill.

Objected to by Mr. Shank.

Mr. Rankin asked and obtained the unanimous consent of the House to offer the following amendment: Amend by adding to section one the words, "and until their successors shall have been elected, and filed their acceptances;"

Which amendment was adopted.

The bill, being House bill, entitled

A bill to amend an act entitled an act to establish graded and high schools, approved February 14, 1859, being act No 161, session laws, 1859,

Was then read a third time, and a majority of all the mem-



bers elect not voting therefor, it was not passed, by yeas and nays, as follows :

## YEAS.

Mr. Alexander,	Mr. Goodrich,	Mr. Rankin,
Atwood,	Gregory,	Smith,
Baker,	A. L. Green,	W. N. Stevens,
Blakeslee,	Hemingway,	Stoddard,
Brownell,	Hill,	Taylor,
Bunce,	Howell,	Warner,
Chase,	Hurd,	Waterbury,
Childs,	Jones,	Wetherby,
Choate,	Persons,	Wheeler,
Cutcheon,	Peters,	J. B. Wilson,
C. Davis,	Peterson,	Winans,
Douglas,	Piper,	Wright,
Fallase,	Pratt,	Speaker,
Fowle,	Pringle,	

41

## NAYS.

Mr. Beamer,	Mr. Hadley,	Mr. Shanahan,
Cook,	Henderson,	Stewart,
Cox,	Hodges,	Strong,
Crego,	Joy,	Tibbits,
A. W. Davis,	Kanouse,	Toll,
Follett,	Leetch,	T. M. Wilson,
Foote,	Moore,	Woodman,
Gilbert,	Ramsdell,	Woodward,
N. K. Green,	Shank,	

26

Mr. T. M. Wilson moved to reconsider the vote by which the House refused to pass the bill.

Mr. Jones moved to lay the motion to reconsider on the table.

Mr. Howell called for the yeas and nays.

The call was seconded, and the motion to lay on the table did not prevail, by yeas and nays, as follows :

## YEAS.

Mr. Cox,	Mr. N. K. Green,	Mr. Stewart,
Crego,	Hodges,	Strong,
A. W. Davis,	Jones,	Toll,
Follett,	Leetch,	Wetherby,
Gilbert,	Moore,	

14

## NAYS.

Mr. Alexander,	Mr. A. L. Green,	Mr. Shank,
Atwood,	Hadley,	Shanahan,



Baker,  
Blakeslee,  
Brownell,  
Bunce,  
Chase,  
Childs,  
Choate,  
Cook,  
Cutcheon,  
C. Davis,  
Douglas,  
Fallass,  
Foote,  
Fowle,  
Goodrich,  
Gregory,

Henderson,  
Hemingway,  
Hill,  
Howell,  
Hurd,  
Joy,  
Kanouse,  
Kelsey,  
Persons,  
Peters,  
Peterson,  
Piper,  
Pratt,  
Pringle,  
Ramsdell,  
Rankin,

Smith,  
W. N. Stevens,  
Stoddard,  
Taylor,  
Tibbits,  
Wade,  
Warner,  
Waterbury,  
Wheeler,  
T. M. Wilson,  
J. B. Wilson,  
Winans,  
Woodman,  
Woodward,  
Wright,  
Speaker, 54

The question recurring on the motion to reconsider, the motion prevailed.

Mr. Tibbits then moved to recommit the bill to the committee on education without instructions.

Mr. C. Davis moved to recommit the bill to the committee on education, with instructions to amend the same by inserting the word, "and fifty," after the word "hundred," in line 1, of section five ; also, by striking out the words "some portion," in line 12, of section 5, and insert in lieu thereof, the words "the whole;"

Which motion was withdrawn.

The motion to recommit to the committee on education without instructions then prevailed, and the bill was so recommitted.

On motion of Mr. Alexander,

The House took a recess until 2 o'clock this afternoon.

#### AFTERNOON SESSION.

2 o'clock P. M.

The House met pursuant to adjournment, and was called to order by the Speaker.

Roll called : quorum present.



## MESSAGE FROM THE SENATE.

By unanimous consent, the Speaker announced the following:

SENATE CHAMBER,  
*Lansing, January 28, 1861.* }

*To the Speaker of the House of Representatives:*

SIR:—I am instructed to return to the House the following entitled bills:

A bill to extend the time for the collection of taxes in the township of Groveland, in Oakland county, and the township of Orleans, in Ionia county, for the year eighteen hundred and sixty;

Also,

A bill to extend the time for the collection of taxes in the township of Caseville, in the county of Huron, for the year eighteen hundred and sixty;

Which have passed the Senate by a majority vote of all the Senators elect, and by a vote of two-thirds of all the Senators elect, have been ordered to take immediate effect, and in all of which the concurrence of the House is respectfully asked.

Very respectfully,

A. B. TURNER,  
*Secretary of the Senate.*

The first named bill was read a first and second time by its title, and

On motion of Mr. A. W. Davis,

The rules were suspended, and the bill placed on its final passage.

The bill, being Senate bill, entitled

A bill to extend the time for the collection of taxes in the township of Groveland, in Oakland county, and the township of Orleans, in Ionia county, for the year 1860,

Was read a third time and passed, a majority of all the members elect voting therefor, by yeas and nays, as follows:

YEAS.

Mr. Alexander,  
Atwood,

Mr. Gregory,  
A. L. Green,

Mr. Sessions,  
Shank,



Baker,  
Beamer,  
Blakeslee,  
Bunce,  
Chase,  
Childs,  
Choate,  
Cook,  
Cox,  
Crego,  
Cutcheon,  
A. W. Davis,  
C. Davis,  
Douglas,  
Fallass,  
Follett,  
Foote,  
Fowle,  
Gilbert,  
Goodrich,

N. K. Green,  
Hadley,  
Hemingway,  
Hill,  
Hodges,  
Howell,  
Hurd,  
Jones,  
Kanouse,  
Kelsey,  
Leetch,  
Moore,  
Persons,  
Peters,  
Peterson,  
Piper,  
Pratt,  
Pringle,  
Ramsdell,  
Rankin,

Shanahan,  
Smith,  
W. N. Stevens,  
Stewart,  
Stoddard,  
Taylor,  
Tibbits,  
Toll,  
Wade,  
Waterbury,  
Wetherby,  
Wheeler,  
T. M. Wilson,  
J. B. Wilson,  
Winans,  
Woodman,  
Woodward,  
Wright,  
Speaker,

65

NAYS.

0

The question being on agreeing to the title,  
Mr. Tibbits moved to amend the same by inserting after the  
word "collection" the words "and return of;"

Which motion prevailed.

The title, as amended, was then agreed to.

On motion of Mr. Howell,

By a vote of two-thirds of all the members elect, the bill was  
ordered to take immediate effect

The second named bill was read a first and second time by  
its title, and

On motion of Mr. A. W. Davis,

The rules were suspended, and the bill placed on its final  
passage.

The bill, being Senate bill, entitled

A bill to extend the time for the collection of taxes in the  
township of Caseville, in the county of Huron, for the year  
1860,

Was read a third time and passed, a majority of all the mem-  
bers elect voting therefor, by yeas and nays, as follows:



## YEAS.

Mr. Atwood,  
Baker,  
Beamer,  
Blakeslee,  
Brownell,  
Bunce,  
Chase,  
Childs,  
Choate,  
Cook,  
Cox,  
Crego,  
Cutcheon,  
A. W. Davis,  
C. Davis,  
Douglas,  
Fallass,  
Follett,  
Foote,  
Fowle,  
Gilbert,  
Goodrich,

Mr. Gregory,  
A. L. Green,  
N. K. Green,  
Henderson,  
Hemingway,  
Hill,  
Hodges,  
Howell,  
Hurd,  
Jones,  
Kanouse,  
Kelsey,  
Leetch,  
Moore,  
Persons,  
Peters,  
Peterson,  
Phelps,  
Piper,  
Pratt,  
Pringle,  
Ramsdell,

Mr. Sessions,  
Shank,  
Shanahan,  
Smith,  
W. N. Stevens,  
Stewart,  
Stoddard,  
Taylor,  
Tibbits,  
Toll,  
Wade,  
Waterbury,  
Wetherby,  
Wheeler,  
T. M. Wilson,  
J. B. Wilson,  
Winans,  
Woodman,  
Woodward,  
Wright,  
Speaker,

65

## NAYS.

0

Title agreed to.

On motion of Mr. Beamer,

By a vote of two-thirds of all the members elect, the bill was ordered to take immediate effect.

Mr. Howell asked and obtained the unanimous consent of the House to introduce the following to stand as rule — :

**RULE —.** The assent of two-thirds of the members elected to this House shall be necessary to create, alter or amend any corporation, or any general law under which any corporation, except municipal, is created.

Mr. Shank moved to refer the matter to the committee on rules and joint rules;

Mr. Howell moved to lay the motion to commit on the table;  
Which motion prevailed.



## UNFINISHED BUSINESS.

On motion of Mr. Howell,

The rule offered by him on Saturday, to be added to the standing rules of the House, was taken from the table.

The question recurring upon the adoption of the rule, to stand as rule —, and to read as follows:

RULE —. "Any member asking leave to introduce a bill without previous notice, shall state to the House the title or general objects of the bill ; or in introducing a motion or resolution by unanimous consent, shall make such statement as to its nature and object."

The rule was adopted.

The rule offered on Saturday, by Mr. T. M. Wilson, was taken from the table.

The question recurring upon the adoption of the rule, which reads as follows:

RULE —. Whenever any new member has been deceived by the sharp practice of the older members, he shall have the privilege at any time to change his vote;

Mr. T. M. Wilson asked leave to withdraw the same.

Mr. A. W. Davis objected.

On motion of Mr. Howell,

Leave was granted Mr. Wilson to withdraw the rule.

## GENERAL ORDER.

On motion of Mr. Childs,

The House went into committee of the whole on the general order,

Mr. Jones in the chair.

After some time spent therein, the committee rose, and, through their chairman, made the following report :

The committee of the whole have had under consideration the following entitled bill :

A bill to provide a military fund and force ;

Which they report back to the House with a recommendation that it be re-committed to the committee on militia.



Also,

A bill to provide for an additional circuit court commissioner in certain counties;

Which they report back to the House with a recommendation that the bill be re-committed to the committee on the judiciary.

Also,

Joint resolution for the transfer of certain scientific works from the State Library, to the library of the University ;

To which no amendments have been made.

The committee of the whole have also had under consideration the following entitled bills :

A bill relative to the duties of township and county officers, concerning receipts for moneys 'paid into the county treasury ;

Also,

A bill to provide for the levying of a special tax in certain townships in Van Buren and Allegan counties, for the improvement of the harbor at the mouth of the South Black river, in Van Buren county;

Have made several amendments thereto, and have directed their chairman to report the same back to the House, asking concurrence therein, and recommend their passage.

E. H. JONES, *Chairman*.

Report accepted and committee discharged.

The first named bill was recommitted to the committee on militia.

The second named bill was recommitted to the committee on the judiciary.

The joint resolution was ordered to a third reading.

On motion of Mr. Pringle,

The amendments to the third named bill were concurred in, in gross, and the bill was referred to the committee on engrossment and enrollment.

On motion of Mr. T. M. Wilson,

The fourth named bill was laid on the table.

On motion of Mr. Taylor,

The House adjourned till to-morrow morning at 10 o'clock.



*Lansing, Tuesday, January 29, 1861.*

House met pursuant to adjournment, and was called to order by the Speaker.

Prayer by Rev. Mr. Gillett.

Roll called : quorum present.

PETITIONS PRESENTED.

By Mr. Cutcheon : petition of Chester Yost, A. C. Blodgett, John Starkweather, J. N. Conklin, D. B. Greene, C. Woodruff, Horace Welch, J. M. B. Sill and 128 others, citizens of Washtenaw county, for the repeal of an act approved March 16, 1849, having for its object the support of agriculture and the mechanic arts, in the several counties of the State.

Referred to the committee on agriculture and manufactures.

By Mr. Hill : petition of Thomas Parshall and 27 others, asking for a State road from Duplain, in Clinton county, through Saginaw to Genesee county, and for a grant of swamp lands on the same ;

Also, petition of Edward Davidson and 7 others, for the same purpose.

Referred to the committee on public lands.

By Mr. Goodrich: remonstrance of David Barnard and 30 others, against an appropriation of non-resident tax on Battle Creek and Lansing State road;

Also, remonstrance of George Parker and 49 others, to the same effect.

Referred to the committee on roads and bridges.

By Mr. T. M. Wilson: petition of F. S. Cusinan and others, of Washington, Macomb county, to amend the law in regard to township libraries.

Referred to the committee on education.

By Mr. Ramsdell: remonstrance of Valentine Lee and 48 others, against the organization of Leelanaw county.

Referred to the committee on towns and counties.

By Mr. A. L. Green: remonstrance of Sanford Mott and 40 others, citizens of Eaton county, against an appropriation of



the non-resident highway tax on that part of the Battle Creek and Lansing State road which lies between Charlotte and Bellevue ;

Also, remonstrance of L. O. Smith and 17 others, to the same effect;

Also, remonstrance of Osman Chappel and 10 others, to the same effect ;

Also, remonstrance of A. A. Bell and 22 others, to the same effect;

Which were severally referred to the committee on roads and bridges.

By Mr. Joy: petition of certain residents of Detroit for such an amendment of the constitution as will confer the right of suffrage upon the colored people of the State.

Referred to the committee on the judiciary.

By Mr. Stoddard: petition of H. Hobart, N. H. Ferry, and 23 others, praying for the organization of fractional township No. 14 north of range 7 east.

Referred to the committee on towns and counties.

By Mr. Baker: petition of Wm. Dinsmore, P. Dawley and 95 others, asking for a law to provide for a county superintendent of schools.

Referred to the committee on education.

By Mr. Waterbury: petition of A. W. Kimball and 16 others, asking for an appropriation of swamp land to improve the Port Austin and Lexington State road, and for an amendment to the act providing for the establishment of said road.

Referred to the committee on public lands.

By Mr. Baker: petition of George Marcy, J. M. Barnard, and 92 others, asking for a State road from the township of Danby, Ionia county, to the village of Pewamo, on the Detroit and Milwaukee railroad, to authorize the appropriation of the non-resident highway taxes for the same;

Also, petition of John C. Smith, John Evans, Samuel K. Gates, and 24 others, asking for an appropriation of swamp



land to aid in building a bridge at the only point where the Grand River turnpike crosses the Grand river.

Referred to the committee on roads and bridges.

By Mr. Toll: remonstrance of John McCaffrey and others, against the organization of the county of Delta.

Referred to the committee on towns and counties.

#### REPORTS OF STANDING COMMITTEES.

By the judiciary committee:

The committee on the judiciary to whom was referred

A bill to provide for an additional circuit court commissioner in certain cases,

Respectfully report that they have had the said bill under consideration, and return the same to the House with the accompanying amendment, in which they recommend the concurrence of the House. They also recommend that the bill, as amended, do pass, and ask to be discharged from the further consideration of the same.

EUGENE PRINGLE, *for the Committee.*

Report accepted and committee discharged.

On motion of Mr. Alexander,

The House concurred in the amendment made by the committee.

The bill was referred to the committee of the whole, and placed on the general order.

By the committee on banks and incorporations:

The committee on banks and incorporations, to whom was referred Senate bill, entitled

A bill to amend act No. 248, of the laws of 1859, entitled an act to regulate fire, marine, life and health insurance companies, and their agents, associations, partnerships and individuals doing fire, marine, life and health insurance business, not incorporated by the State of Michigan, approved Feb. 15, 1859;

Have had the same under consideration, and respectfully report the same back to the House without amendment, with a



recommendation that it do pass, and ask to be discharged from the further consideration thereof.

E. PRINGLE, *Chairman.*

Report accepted and committee discharged.

The bill was referred to the committee of the whole and placed on the general order.

By the committee on agriculture and manufactures :

The committee on agriculture and manufactures, to whom was referred

Joint resolution relative to the renewal of the patent on McCormick's reaping machine,

Would respectfully report that they have had the same under consideration, and have instructed their chairman to report the same back to the House without amendment, and recommend its immediate passage, and ask to be discharged from the further consideration thereof.

JAMES WEBSTER CHILDS, *Chairman.*

Report accepted and committee discharged.

On motion of Mr. Gilbert,

The rules were suspended, and the joint resolution put on its final passage.

The joint resolution, being

Joint resolution relative to the renewal of the patent on McCormick's reaping machine,

Was then read a third time and passed, a majority of all the members elect voting therefor, by yeas and nays, as follows:

YEAS.

Mr. Alexander,  
Atwood,  
Baker,  
Beamer,  
Blakeslee,  
Brownell,  
Bunce,  
Chase,  
Childs,  
Choate,  
Chapoton,

Mr. Goodrich,  
Gregory,  
A. L. Green,  
N. K. Green,  
Hadley,  
Henderson,  
Hemingway,  
Hill,  
Hodges,  
Howell,  
Hurd,

Mr. Ramsdell,  
Rankin,  
Sessions,  
Shank,  
Shanahan,  
Smith,  
W. N. Stevens,  
Stewart,  
Stoddard,  
Taylor,  
Tibbits,



Cook,	Jones,	Toll,	
Cooley,	Joy,	Wade,	
Cox,	Kanouse,	Warner,	
Crego,	Kelsey,	Waterbury,	
Cutcheon,	Leetch,	Wetherby,	
A. W. Davis,	Lockwood,	Wheeler,	
Ira Davis,	Moore,	T. M. Wilson,	
Douglas,	Persons,	J. B. Wilson,	
Fallass,	Peters,	Winans,	
Follett,	Peterson,	Woodman,	
Foote,	Piper,	Woodward,	
Fowle,	Pratt,	Speaker,	
Gilbert,	Pringle,		71
	NAYS.		0

Title and preamble agreed to.

By the committee on engrossment and enrollment :

The committee on engrossment and enrollment report as correctly engrossed, the following entitled bill :

A bill relative to the duties of township and county officers, concerning receipts for moneys paid into the county treasury.

A. L. GREEN, *Chairman*.

Report accepted, and the bill placed on the order of third reading.

By the committee on asylum for the insane :

The committee on the asylum for the insane, to whom was referred the petition of the supervisors of the county of Eaton,

Respectfully report that they have had the same under consideration, and have instructed me to report the accompanying bill, and recommend its passage, and ask to be discharged from the further consideration of the subject.

S. S. FALLASS, *Chairman*.

Report accepted and committee discharged.

The bill was read a first and second time by its title, ordered printed, referred to the committee of the whole, and placed on the general order.

By the committee on ways and means:

The committee of ways and means, to whom was referred the petition of the Supervisors of Houghton county, praying for



legislation for the more speedy adjustment of their proportion of specific taxes due that county ;

Also, for an act requiring the State to pay the taxes on lands belonging to the St. Mary's Falls Ship Canal Company, due to the counties ;

Also, for the passage of an act appropriating a further amount from the specific taxes upon mining companies, to the construction of roads in that county ;

And to whom, also, was referred

A bill to provide for the payment of the amount due from the State to the several counties for taxes on the St. Mary's Falls ship canal lands ;

Have had the same under consideration, and have instructed me to report with regard to the request for legislation for the more prompt payment of specific taxes, that the legislation for that purpose is already ample, and that under it the Auditor General has recently been directed by writ of mandamus from the Supreme Court, to issue his warrant upon the treasurer for the amount due the county of Houghton. They have further directed me to say that in their judgment it is inexpedient to make any appropriations of money from the treasury for roads in the Upper Peninsula.

With regard to that portion of the petition which prays for the early payment of the canal land taxes to the counties, and with regard to the bill for that object, referred to the committee, I am instructed to say, that, in the present condition of the finances of the State, immediate payment is not practicable; that though the money is due the counties, and should be paid as early as may be, still the counties cannot be greatly injured by delay, inasmuch as, in all probability, a very large portion of these lands would have remained unsold and therefore untaxable, for a long time, had not the canal contract been made. They, however, feel that the State should pay the amount as soon as its financial ability will admit, and as the canal is chargeable with the full amount due the counties, and its



revenues will pay it at least quite as soon as the State can otherwise do it, they recommend that the nett revenues of that work, after deducting its expenses and the interest on the loans made to repair and strengthen it, be specifically appropriated, after the present year, to liquidate the amounts due the several counties, to be divided between them, pro rata, in proportion to the amounts due them, every year until they are fully paid. The revenues may probably be estimated at upwards of \$30,000 per annum, and it is believed will pay the amounts due the counties in two years.

The committee therefore report a joint resolution so appropriating the revenues of the canal for this purpose, as a substitute for the bill referred to them, and recommend its passage, and ask to be discharged from the further consideration of the petition and bill.

JAMES F. JOY, *Chairman.*

Report accepted and committee discharged.

On motion of Mr. Sessions,

The substitute offered by the committee was adopted.

The joint resolution was read a first and second time by its title, ordered printed, referred to the committee of the whole, and placed on the general order.

By the committee on public lands :

The committee on public lands, to whom was referred

A bill to amend chapter 60, of the revised statutes of 1846, and the several acts amendatory thereto, in relation to the sale of university, primary school, salt spring and swamp lands,

Would respectfully report that they have had the same under consideration, and have come to the conclusion to report a substitute, in which the concurrence of the House is asked, and they then recommend its passage, and ask to be discharged from the further consideration of the same.

All of which is respectfully submitted.

J. C. WATERBURY, *Chairman.*

Report accepted and committee discharged.

On motion of Mr. Howell,



The substitute offered by the committee was adopted.

The bill was ordered printed, referred to the committee of the whole, and placed on the general order.

MOTIONS, RESOLUTIONS AND NOTICES.

Mr. Howell offered the following :

*Whereas*, Revolution and treason are rampant in the State of Michigan, as appears from the following treasonable notice in a secession paper—that is to say :

“We can tell the republican Legislature and the republican administration of Michigan, and the republican party everywhere, one thing : that if the refusal to repeal the personal liberty laws shall be persisted in, and if there shall not be a change in the present seeming purpose to yield to no accommodation of the national difficulties, and if troops shall be raised in the north to march against the people of the south, a fire in the rear will be opened upon such troops which will either stop their march altogether, or wonderfully accelerate it. In other words, if, in the present posture of the republican party towards the national difficulties, war shall be waged, that war will be fought in the north. We warn it that the conflict which it is precipitating will not be with the south, but with tens of thousands of people in the north. When civil war shall come, it will be war here in Michigan, and here in Detroit, and in every northern State.”

And deeming our homes and firesides in danger, therefore

*Resolved*, That the committee on militia are hereby instructed to immediately bring in a bill to organize a sufficient active military force to protect the people of this State, and in case there is not sufficient heavy ordnance for that purpose, that they procure pop and squirt guns made of approved elder timber.

On motion of Mr. Cutcheon,

The resolution was referred to the committee on militia.

Mr. Warner offered the following :

*Resolved*, That the Board of Control of the Sault St. Mary's Canal be requested to report to this House the gross amount of tolls received each year since the same was opened ; the annual



expenses for repairs, stating the nature thereof, the number of persons employed and their salaries, and also all incidental expenses of every kind and description, and to whom and when paid, and the actual amount paid into the treasury from tolls received on said canal.

Which was adopted.

Mr. J. B. Wilson gave notice that on some future day he would ask leave to introduce

A bill to amend act No. 229, of the session laws of 1859, entitled an act to provide for the settlement and drainage of the swamp lands by actual settlers.

Mr. Toll offered the following:

*Resolved*, That the committee on public lands be instructed to ascertain and report to this House with all convenient speed:

1. The number of contracts entered into for construction of any roads or ditches under act No. 117, approved February 12, 1859, the names of the contractors, the terms of payment, the number of miles of said roads or ditches constructed since the passage of said act, and when and whether the said contracts have in any instance been changed after execution, and, if so, which and in what manner;

2. And that the said committee shall also report the amount of money applicable to the roads provided for in said act, in accordance with the sixth section of said act.

Which was adopted.

Mr. J. B. Wilson gave notice that on some future day he would ask leave to introduce

A bill to change the boundaries of the counties of Jackson, Eaton, Ingham, Clinton, Gratiot, Isabella, Clare and Midland.

Mr. Childs, previous notice having been given, and leave being granted, introduced

A bill to amend sections 1, 5, 10, 13, 15, 16 and 19, of an act entitled an act to provide for the draining of swamps, marshes and other low lands, approved February 17, 1857; and also to amend sections 3, 6, 7, 8, 9, 25, 26, 27, of the act amendatory thereto, entitled an act to amend sections 2, 3, 6, 7, 8, 9 and 12,



of an act entitled an act to provide for the draining of swamps, marshes and other low lands, approved February 17, 1857, and to amend said act by adding thereto sections 20, 21, 22, 23, 24 and 25, approved February 14, 1859.

The bill was read a first and second time by its title, and referred to the committee on agriculture and manufactures.

Mr. Gilbert, previous notice having been given, and leave being granted, introduced

A bill to amend section 25, of chapter 153, of the revised statutes of 1846, the same being section 5735, of the compiled laws of 1857, as amended by act No. 189, of the session laws of 1859.

The bill was read a first and second time by its title, and referred to the judiciary committee.

Mr. Gilbert, previous notice having been given, and leave being granted, introduced

A bill to repeal sections 2, 3 and 4, of an act entitled an act to protect the rights and liberties of the inhabitants of this State, approved February 13, 1855.

The bill was read a first and second time by its title, and referred to the judiciary committee.

Mr. Kelsey, previous notice having been given, and leave being granted, introduced

A bill appropriating certain highway taxes, in the county of Shiawassee, for the improvement of the Corunna and Flushing State road.

The bill was read a first and second time by its title, and referred to the committee on roads and bridges.

Mr. Sessions, previous notice having been given, and leave being granted, introduced

A bill to amend section 5, of chapter 81, of the revised statutes of 1846, relative to bonds of county treasurers, in certain cases.

The bill was read a first and second time by its title, and referred to the committee on State affairs.



Mr. Howell, previous notice having been given, and leave being granted, introduced

A bill to organize the township of Big Sauble, in the county of Mason.

The bill was read a first and second time by its title, and referred to the judiciary committee.

Mr. Howell, previous notice having been given, and leave being granted, introduced

A bill making the action of trespass transitory in certain cases.

The bill was read a first and second time by its title, and referred to the judiciary committee.

Mr. A. W. Davis offered the following:

*Resolved*, That the committee on printing cause to be printed one thousand extra copies of the memorial of the State Military Board for the use of this House;

Which was adopted.

Mr. Shank offered the following:

*Resolved*, That the use of this Hall be granted to Mrs. Varian James, for a vocal concert, on next Tuesday evening, the 5th of February;

Which was adopted.

Mr. Woodward moved to take from the table, House bill, entitled,

A bill to provide for the levying of a special tax in certain townships in Van Buren and Allegan counties, for the improvement of the harbor at the mouth of the South Black river, in Van Buren county;

Which motion prevailed.

Mr. Woodman moved to strike out all of section 2, after the word "commissioners," in the 3d line, and insert the following: "who shall receive all orders drawn on the township treasurers of the said townships for all moneys raised by said tax, and appropriate the same for the improvement of said harbor, and make all necessary contracts in relation thereto;"



Which motion prevailed.

The bill was then ordered engrossed for a third reading.

THIRD READING OF BILLS AND JOINT RESOLUTIONS.

House joint resolution, entitled

Joint resolution for the transfer of certain scientific works from the State Library, to the library of the University,

Was read a third time and passed, a majority of all the members elect voting therefor, by yeas and nays, as follows:

YEAS.

Mr. Alexander,	Mr. Gilbert,	Mr. Piper,	
Atwood,	Goodrich,	Pratt,	
Baker,	Gregory,	Pringle,	
Beamer,	A. L. Green,	Ramsdell,	
Blakeslee,	N. K. Green,	Rankin,	
Brownell,	Hadley,	Sessions,	
Bunce,	Henderson,	Shanahan,	
Chase,	Hemingway,	Smith,	
Childs,	Hill,	W. N. Stevens,	
Choate,	Hodges,	Stewart,	
Chapoton,	Howell,	Stoddard,	
Cook,	Hurd,	Strong,	
Cooley,	Jones,	Taylor,	
Cox,	Joy,	Wade,	
Crego,	Kanouse,	Wetherby,	
A. W. Davis,	Kelsey,	Wheeler,	
C. Davis,	Leetch,	J. B. Wilson,	
Ira Davis,	Lockwood,	Winans,	
Fallass,	Moore,	Woodman,	
Follett,	Persons,	Woodward,	
Foote,	Peters,	Wright,	
Fowle,	Peterson,	Speaker,	66

NAYS.

Mr. Toll,	Mr. T. M. Wilson,	2
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Title and preamble agreed to.

House bill, entitled

A bill relative to the duties of township and county officers, concerning receipts for moneys paid into the county treasury,

Was read a third time and passed, a majority of all the members elect voting therefor, by yeas and nays, as follows:



## YEAS.

Mr. Alexander,  
Atwood,  
Baker,  
Beamer,  
Blakeslee,  
Brownell,  
Bunce,  
Chase,  
Childs,  
Choate,  
Chapoton,  
Cook,  
Cooley,  
Cox,  
Crego,  
A. W. Davis,  
C. Davis,  
Ira Davis,  
Fallass,  
Follett,  
Foote,  
Fowle,  
Gilbert,

Mr. Goodrich,  
Gregory,  
A. L. Green,  
N. K. Green,  
Hadley,  
Henderson,  
Hemingway,  
Hill,  
Hodges,  
Howell,  
Hurd,  
Jones,  
Joy,  
Kelsey,  
Kanouse,  
Leetch,  
Lockwood,  
Moore,  
Persons,  
Peters,  
Peterson,  
Piper,  
Pratt,

Mr. Pringle,  
Rankin,  
Sessions,  
Shanahan,  
Smith,  
W. N. Stevens,  
Stewart,  
Stoddard,  
Strong,  
Taylor,  
Tibbits,  
Toll,  
Wade,  
Waterbury,  
Wetherby,  
Wheeler,  
T. M. Wilson,  
J. B. Wilson,  
Winans,  
Woodman,  
Woodward,  
Wright,  
Speaker, 69

## NAYS.

0

Title agreed to.

Mr. Tibbits moved a call of the House ;

Which motion did not prevail.

Mr. Tibbits moved that the bill be ordered to take immediate effect ;

Which motion was withdrawn.

## MESSAGES FROM THE SENATE.

By unanimous consent, the Speaker announced the following :

SENATE CHAMBER,  
Lansing, January 28, 1861. }

*To the Speaker of the House of Representatives :*

SIR :—I am instructed by the Senate to transmit to the House the following concurrent resolution:

*Resolved, (the House concurring,) That the joint committee on the investigation of the Treasury, be authorized and required*



to make a full examination of all matters touching the letting of the contract for repairs upon the Sault St. Mary's Canal, and they be authorized to send for persons and papers ;

Which has passed the Senate by a majority vote of all the Senators elect, and in which the concurrence of the House is respectfully asked.

Very respectfully,

A. B. TURNER,

*Secretary of the Senate.*

On motion of Mr. Joy,

The concurrent resolution was laid on the table.

GENERAL ORDER.

On motion of Mr. Childs,

The House went into committee of the whole on the general order,

Mr. Brownell in the chair.

After some time spent therein, the committee rose, and through the chairman, made the following report :

The committee of the whole have had under consideration the following entitled bill :

A bill to amend chapter 23 of the compiled laws, relative to obstructions and encroachments of highways ;

Which they report back to the House with a recommendation that it be re-committed to the committee on roads and bridges.

The committee have also had under consideration,

A bill relative to levies of executions on real estate,

Have made several amendments thereto, and have directed their chairman to report the same back to the House, asking concurrence therein, and recommend its passage.

WM. BROWNELL, *Chairman.*

The first named bill was recommitted to the committee on roads and bridges;

The amendments to the second named bill were concurred in, *in græs*, and the bill placed on the order of third reading.

On motion of Mr. Kelsey,

The House took a recess until 2 o'clock in the afternoon.



## AFTERNOON SESSION.

2 o'clock P. M.

House met and was called to order by the Speaker.

Roll called : quorum present.

Mr. Fallass asked and obtained the unanimous consent of the House to offer the following:

*Resolved*, That the use of this Hall be tendered to Mr. Alonzo Hyde on Friday evening next, instead of this Tuesday evening;  
Which was adopted.

## GENERAL ORDER.

On motion of Mr. Sessions,

The House went into committee of the whole on the general order,

Mr. Joy in the chair.

After some time spent therein, the committee rose, and, through the chairman, made the following report :

The committee of the whole have had under consideration the following entitled bill :

A bill to repeal chapter 122, of the revised statutes of 1846, and the amendments thereto, and provide for the collection of demands against water-craft ;

Have made some progress therein, but, not having gone through therewith, have directed their chairman to report that fact to the House, and ask leave to sit again.

The committee have also had under consideration

A bill to amend sections 3 to 11 inclusive, chapter 100, of the revised statutes of 1846, sections 4188 to 4196 inclusive, of the compiled laws, relative to referees ;

Have made some amendments thereto, and have directed their chairman to report the same back to the House, asking concurrence therein, and recommend its passage ;

Also,

A bill to amend certain sections of an act entitled an act to establish a House of Correction for juvenile offenders, approved February 10th, 1855, as amended by an act entitled an act to



amend certain sections of an act entitled an act to establish a House of Correction for juvenile offenders, approved February ninth, eighteen hundred and fifty-five, approved February 10th, 1857, and to amend section two of said last mentioned act;

Which the committee report back to the House, and ask to be discharged from the further consideration of the same.

JAMES F. JOY, *Chairman.*

In the consideration of the first named bill, leave was granted to sit again.

The amendments to the second named bill were concured in, and the bill ordered engrossed for a third reading.

The committee was discharged from the further consideration of the last named bill, and,

On motion of Mr. Howell,

The bill was laid on the table.

On motion of Mr. Alexander,

The House adjourned till to-morrow morning at 10 o'clock.

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*Lansing, Wednesday, January 30, 1861.*

House met pursuant to adjournment, and was called to order by the Speaker.

Prayer by Rev. Mr. Armstrong.

Roll called : quorum present.

PETITIONS PRESENTED.

By Mr. Pringle : petition of John S. Hurd and 216 others, citizens of Jackson county, for the repeal of the laws prohibiting the sale of intoxicating liquors, and for an amendment of the constitution, to authorize a license law for selling pure liquors;

Referred to the committee on judiciary.

By Mr. Cook : petition of Ira Mayhew, William Collins and 100 others, citizens of Calhoun county, asking that the wine and beer clause of the prohibitory liquor law of 1855, be restored ; also that act No. 201, of the session laws of 1859, rela-



tive to the adulteration of liquors, be so amended as to dispense with the appointment of authorized inspectors, and make it a penal offense for any and every one that sells adulterated liquors, proved to be such by actual analysis by any competent, responsible analytical chemist, who will attest that analysis by his legal oath ;

Also, petition of Wm Rogers, J. M. Galston, and 22 others, for the same purpose ;

Also, petition of S. R. Wilkison, C. C. Olds, and 55 others, for the same purpose ;

Also, petition of E. H. Hazzard, A. Owen, and 21 others, for the same purpose ;

Also, petition of A. Blakesley, John Conroy, and 36 others, for the same purpose ;

Also, petition of H. E. Green, I. Cogshall, and 17 others, for the same purpose ;

Also, petition of I. C. Green, A. C. Howard, and 164 others, for the same purpose ;

Which were severally referred to the committee on judiciary.

By Mr. Hill: petition of all the supervisors of Saginaw county, asking the removal of Hon. Wilber F. Woodworth, judge of the 10th judicial circuit ;

Also, petition of George W. Waldron, and the members of the bar of Saginaw, for the same purpose ;

Referred to the committee on judiciary.

By Mr. Childs: petition of Samuel L. Haight, H. J. Haight, and 47 others, electors of Washtenaw county, praying for a more stringent usury law and reduction of rate of interest ;

Also, petition of R. W. Parsons, A. D. Sumner, and 150 others, for the same purpose ;

Referred to the committee on the judiciary.

By Mr. Shanahan: petition of J. P. Hewitt and 46 others, praying for the restoration of the liquor law ;

Referred to the committee on judiciary.

By Mr. Childs: petition of the officers of an anti-slavery convention, held in Ann Arbor, Washtenaw county, on the 26th



and 27th inst., praying for the preservation, in full force, of whatever laws for the protection of personal liberty, that are now found on the statute books of this State;

Also: petition of John Jacobs, A. Montgomery, and 84 others, praying for an amendment to the constitution so as to grant the right of suffrage to colored citizens;

Referred to the committee on judiciary.

By Mr. Read: petition of Wm. Willham, Wm. H. Cable, and some 400 other citizens of Kalamazoo county, asking the repeal of the charter of the Kalamazoo and Three Rivers plank road company;

Referred to the committee on banks and incorporations.

By Mr. Douglas: petition of S. L. Smith, R. E. Ryan, Chas. Kibbee, and 450 others, for a division of Houghton county;

Referred to the committee on towns and counties.

By Mr. Kelsey : remonstrance of D. G. Royce, B. W. Dennis and others, against the repeal of the personal liberty laws ;

Referred to the judiciary committee.

By Mr. J. B. Wilson : petition of Lyman Wadleigh and 37 others, for a State road from Almont, Lapeer county, to the forks of Cass river, in Tuscola county;

Referred to the committee on public lands.

By Mr. Adams : petition of S. W. Walker, J. Wilcox, and 79 others, of Kalamazoo county, asking an amendment to the present liquor law ;

Also, petition of Wm. Hans, Alfred Knowles, and 15 others, for the same purpose ;

Referred to the judiciary committee.

By Mr. Hodges : petition of William Houghtby and 28 others, praying for an amendment of the school library law of 1859;

Referred to the committee on education.

#### REPORTS OF STANDING COMMITTEES.

By the committee on roads and bridges:

The committee on roads and bridges, to whom was referred  
A bill to provide for the floating of logs and timber in the streams of this State,



Have had the same under consideration, and instructed me to report the same back without amendment, recommend its passage, and ask to be discharged from its further consideration.

N. K. GREEN, *Chairman*.

Report accepted and committee discharged.

The bill was ordered printed, referred to the committee of the whole, and placed on the general order.

By the committee on roads and bridges :

The committee on roads and bridges, to whom was recommit-  
mitted

A bill to amend chapter 23 of the compiled laws, relative to obstructions and encroachments of highways,

Have had the same under consideration, and have made some amendments thereto, and recommend the same do pass as amended, and ask to be discharged from its further consideration.

All of which is respectfully submitted.

N. K. GREEN, *Chairman*.

Report accepted and committee discharged.

On motion of Mr. Hodges,

The House concurred in the amendments made by the committee.

The bill was referred to the committee of the whole, and placed on the general order.

By the committee on engrossment and enrollment :

The committee on engrossment and enrollment, report as correctly engrossed, the following entitled bills :

A bill to provide for the levying of a special tax in certain townships in Van Buren and Allegan counties, herein named, for the improvement of the mouth of the South Black river, in the county of Van Buren ;

Also,

A bill relative to levies of executions on real estate ;

Also, as correctly enrolled, signed and presented to the Governor, the following bills :



A bill to enable the Fort Street Presbyterian Church, of Detroit, to hold certain property ;

Also,

A bill to extend the time for the collection and return of taxes in the unorganized territory of Manitou county.

A. L. GREEN, *Chairman.*

Report accepted, and the two first named bills placed on the order of third reading.

MESSAGES FROM THE SENATE.

The Speaker announced the following :

SENATE CHAMBER,  
*Lansing, January 29, 1861.* }

*To the Speaker of the House of Representatives :*

SIR:—I am instructed by the Senate to transmit the following entitled joint resolution :

Joint resolution to provide for an amendment to the constitution relative to removals from office ;

Which has passed the Senate by a majority vote of all the Senators elect, and in which the concurrence of the House is respectfully asked.

Very respectfully,

A. B. TURNER,  
*Secretary of the Senate.*

On motion of Mr. Childs,

The joint resolution was laid on the table.

Also the following:

SENATE CHAMBER,  
*Lansing, January 29, 1861.* }

*To the Speaker of the House of Representatives :*

SIR:—I am instructed to return to the House the following entitled bills :

1. A bill to amend section 8, of chapter 38, of the revised statutes of 1846, as amended by an act entitled an act to amend chapter 40 of the compiled laws, relative to the support of poor persons by the public, approved February 11, 1859 ;



2. A bill to authorize fractional school district No. 3, of the townships of Sylvan and Lima, county of Washtenaw, to issue bonds ;

3. A bill to authorize the trustees of the First Congregational Church of Lawrence, Van Buren county, to mortgage real estate ;

In the passage of which the Senate has concurred by a majority vote of all the Senators elect, and has ordered the same to take immediate effect by a vote of two-thirds of all the Senators elect.

Very respectfully,

A. B. TURNER,

*Secretary of the Senate.*

The bills were referred to the committee on engrossment and enrollment.

Also the following :

SENATE CHAMBER, }  
*Lansing, January 29, 1861. }*

*To the Speaker of the House of Representatives :*

SIR :—I am instructed to return to the House the following entitled bill:

A bill to extend the time for the collection of taxes for the year 1860,

Which the Senate has not passed, a majority of all the Senators elect not voting therefor ;

Also the following entitled bill :

A bill to change the names of minor adopted children and other persons,

Which the Senate has amended by inserting, after the word "poor" in the fifteenth line of section one, the words, "or of any authorized officers or agents of any institution, public or private, in this State or elsewhere;" also, after the word "poor" in the 10th line, the same words ; also, after the word "if," in the 24th line, striking out the words, "a real" and inserting the words "he or she were in fact the ;"

In the passage of which, as thus amended, the Senate has



concurred by a majority vote of all the Senators elect, and has ordered the same to take immediate effect by a vote of two-thirds of all the Senators elect.

Very respectfully,

A. B. TURNER,

*Secretary of the Senate.*

On motion of Mr. Howell,

The first named bill was laid on the table.

Mr. Howell moved that the House concur in the amendments made to the second named bill ;

Which motion prevailed, by yeas and nays, as follows :

#### YEAS.

Mr. Adams,	Mr. Gregory,	Mr. Rankin,
Alexander,	A. L. Green,	Read,
Atwood,	N. K. Green,	Sessions,
Baker,	Hadley,	Shank,
Beamer,	Henderson,	Shanahan,
Blakeslee,	Hemingway,	Smith,
Bunce,	Hill,	W. N. Stevens,
Chase,	Hodges,	Stewart,
Childs,	Howell,	Stoddard,
Chapoton,	Hurd,	Strong,
Cook,	Joy,	Taylor,
Cox,	Kanouse,	Tibbits,
Crego,	Kelsey,	Toll,
Cutcheon,	Leetch,	Wade,
C. Davis,	Lockwood,	Warner,
Ira Davis,	Moore,	Wetherby,
Douglas,	Persons,	Wheeler,
Fallass,	Peters,	J. B. Wilson,
Follett,	Peterson,	Winans,
Foote,	Piper,	Woodward,
Fowle,	Pratt,	Wright,
Gilbert,	Pringle,	Speaker,
Goodrich,	Ramsdell,	

68

#### NAYS.

Mr. Choate,	Mr. Cooley,	Mr. A. W. Davis,	3
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The bill was then referred to the committee on engrossment and enrollment.

Also the following:



SENATE CHAMBER,  
*Lansing, January 29, 1861.* }

*To the Speaker of the House of Representatives :*

SIR:—I am instructed by the Senate to transmit the following entitled bills:

1. A bill to amend section 3563 of the compiled laws of 1857, relative to proceedings in chancery for the foreclosure of mortgages ;

2. A bill to amend section 3926 of the compiled laws, in relation to the criminal jurisdiction of justices of the peace;

3. A bill to amend section 837 of the compiled laws, relative to the collection and return of taxes;

4. A bill making appropriations for the salaries of State officers for the years 1861 and 1862;

5. A bill to authorize the Supreme Court to appoint a crier;

Which have passed the Senate by a majority vote of all the Senators elect, and in which the concurrence of the House is respectfully asked.

Very respectfully,

A. B. TURNER,

*Secretary of the Senate.*

The first and second named bills were read a first and second time by their titles, and referred to the committee on judiciary.

The third and fourth named bills were read a first and second time by their titles, and referred to the committee on ways and means.

The fifth named bill was read a first and second time by its title, and referred to the committee on the judiciary.

MOTIONS, RESOLUTIONS AND NOTICES.

Mr. C. Davis gave notice that on some future day he would ask leave to introduce

A bill to provide for the formation of companies to construct canals, and improve harbors and rivers in this State.

Mr. Howell moved to take from the table House bill, entitled A bill to amend certain sections of an act entitled an act to



establish a House of Correction for juvenile offenders, approved February 10th, 1855, as amended by an act entitled an act to amend certain sections of an act entitled an act to establish a House of Correction for juvenile offenders, approved February ninth, eighteen hundred and fifty-five, approved February 10th, 1857, and to amend section two of said last mentioned act ;

Which motion prevailed.

Mr. Howell then moved that the bill be referred to the committee of the whole, and made the special order of to-morrow afternoon at 2 o'clock ;

Which motion prevailed.

Mr. Warner gave notice that on some future day he would ask leave to introduce

A bill to organize the townships of Carp River and Superior, in the county of Marquette.

Mr. Howell offered the following :

Joint resolution authorizing the judiciary committees of both Houses to act as a joint committee on the memorial of the supervisors of Saginaw county and others, praying for the removal of Hon. Wilber F. Woodworth, as circuit judge of the tenth judicial circuit:

*Resolved*, (if the Senate concur,) That the judiciary committees of the Senate and House of Representatives act as a joint committee in the matter of the petition of the board of supervisors and sundry citizens of Saginaw county, praying for the removal of the Hon. Wilber F. Woodworth, from the office of circuit judge. That said joint committee shall have power to send for persons and papers, to take testimony pertinent to the case, to administer oaths to witnesses and to report such testimony with all convenient speed to the Senate and House of Representatives with their opinion thereon.

On motion of Mr. Howell,

The rules were suspended, and the resolution was adopted.

Mr. Childs offered the following:

*Resolved*, That the daily sessions of this House commence at nine o'clock A. M., until otherwise ordered.



Which was not adopted.

Mr. Warner, previous notice having been given, and leave being granted, introduced

A bill to organize the county of Delta, and define the boundaries of the same.

The bill was read a first and second time by its title, and referred to the committee on towns and counties.

Mr. Douglas, previous notice having been given, and leave being granted, introduced

A bill to legalize the tax rolls, in the several townships of Houghton county.

The bill was read a first and second time by its title, and referred to the committee on judiciary.

Mr. Baker, previous notice having been given, and leave being granted, introduced

A bill to lay out and establish a State road from section 12, in the township of Danby, county of Ionia, to Pewamo, in said county.

The bill was read a first and second time by its title, and referred to the committee on roads and bridges.

Mr Lockwood, previous notice having been given, and leave being granted, introduced

A bill to amend chapter 79, of the revised statutes of 1846, (compiled laws, chapter 103,) by adding three new sections, numbered sections 54, 55 and 56, in relation to redemptions against sales on executions.

The bill was read a first and second time by its title, and referred to the judiciary committee.

#### THIRD READING OF BILLS AND JOINT RESOLUTIONS.

House bill, entitled

A bill to provide for the levying of a special tax in certain townships in Van Buren and Allegan counties herein named, for the improvement of the mouth of the South Black river, in the county of Van Buren,

Was then read a third time and passed, a majority of all the members elect voting therefor, by yeas and nays, as follows :



## YEAS.

Mr. Adams,	Mr. Gregory,	Mr. Rankin,
Alexander.	A. L. Green,	Read,
Baker,	N. K. Green,	Sessions,
Beamer,	Hadley,	Shank,
Blakeslee,	Henderson,	Shanahan,
Brownell,	Hemingway,	Smith,
Bunce,	Hill,	W. N. Stevens,
Chase,	Hodges,	Stewart,
Childs,	Howell,	Stoddard,
Choate,	Hurd,	Strong,
Chapoton,	Kanouse,	Taylor,
Cook,	Kelsey,	Tibbits,
Cox,	Leetch,	Toll,
Crego,	Lockwood,	Wade,
Cutcheon,	Moore,	Warner,
C. Davis,	Persons,	Wetherby,
Ira Davis,	Peters,	Wheeler,
Douglas,	Peterson,	Winans,
Follett,	Piper,	Woodman,
Foote,	Pratt,	Woodward,
Gilbert,	Pringle,	Wright,
Goodrich,	Ramsdell,	Speaker, 66

## NAYS.

Mr. Cooley,	Mr. A. W. Davis,	2
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Pending the announcement of the vote,

Mr. Henderson moved that Mr. Wheeler be excused from voting ;

Which motion did not prevail.

Mr. Wheeler then voted as above.

Title agreed to.

On motion of Mr. Woodman,

By a vote of two-thirds of all the members elect, the bill was ordered to take immediate effect.

House bill, entitled

A bill relative to levies of executions on real estate,

Being under consideration,

Mr. C. Davis moved that the bill be recommitted to the committee on judiciary with instructions to strike out section two.

Mr. Lockwood called for the yeas and nays.



The call was seconded, and the motion to recommit did not prevail, by yeas and nays, as follows :

## YEAS.

Mr. Adams,  
Brownell,  
Cooley,  
Cox,  
Crego.  
C. Davis,  
Douglas,  
Foote,  
Fowle,

Mr. Gregory,  
Howell,  
Leetch,  
Persons,  
Peters,  
Ramsdell,  
Read.  
Shanahan

Mr. W. N. Stevens,  
Stewart,  
Stoddard,  
Strong,  
Wade,  
Wheeler,  
Winans,  
Woodman,

25

## NAYS.

Mr. Alexander,  
Atwood,  
Baker,  
Beamer,  
Blakeslee,  
Bunce,  
Chase,  
Childs,  
Choate,  
Cook,  
Cutcheon,  
A. W. Davis,  
Ira Davis,  
Fallass,  
Follett,

Mr. Gilbert,  
Goodrich,  
A. L. Green,  
N. K. Green,  
Hadley,  
Hemingway,  
Hill,  
Hodges,  
Hurd,  
Joy,  
Kanouse,  
Kelsey,  
Lockwood,  
Moore,  
Peterson,

Mr. Piper,  
Pratt,  
Pringle,  
Rankin,  
Sessions,  
Shank,  
Smith,  
Taylor,  
Tibbits,  
Toll,  
Warner,  
Wetherby,  
Woodward,  
Wright,  
Speaker, 45

Mr. Howell then asked and obtained the unanimous consent of the House to amend the bill by striking out section 3, and adding to section 2 the following : "*Provided*, That this act shall not be construed to affect any deed, mortgage, or other conveyance executed prior to its passage."

The bill was then read a third time and passed, a majority of all the members elect voting therefor, by yeas and nays, as follows :

## YEAS.

Mr. Alexander,  
Beamer,  
Blakeslee,  
Brownell,  
Bunce,  
Chase,

Mr. Gregory,  
A. L. Green,  
N. K. Green,  
Hadley,  
Henderson,  
Hemingway,

Mr. Pringle,  
Ramsdell,  
Rankin,  
Read,  
Sessions,  
Shank,



Childs,  
Choate,  
Chapoton,  
Cook,  
Cox,  
Cutcheon,  
A. W. Davis,  
Ira Davis,  
Fallass,  
Follett,  
Fowle,  
Gilbert,  
Goodrich,

Hill,  
Hodges,  
Howell,  
Hurd,  
Joy,  
Kanouse,  
Kelsey,  
Lockwood,  
Moore,  
Peters,  
Peterson,  
Piper,  
Pratt,

Shanahan,  
Smith,  
W. N. Stevens,  
Stoddard,  
Strong,  
Taylor,  
Tibbits,  
Wetherby,  
Wheeler,  
J. B. Wilson,  
Winans,  
Wright,  
Speaker,

57

## NAYS.

Mr. Adams,  
Baker,  
Cooley,  
Crego,  
C. Davis,

Mr. Foote,  
Leetch,  
Persons,  
Stewart,

Mr. Toll,  
Wade,  
Woodman,  
Woodward,

13

Title agreed to.

House bill, entitled

A bill to amend sections 3 to 11 inclusive, chapter 100, of the revised statutes of 1846, sections 4188 to 4196 inclusive, of the compiled laws, relative to referees,

Being under consideration,

Mr. Pringle moved to recommit the bill to the committee on judiciary, without instructions ;

Which motion prevailed.

## GENERAL ORDER.

On motion of Mr. Childs,

The House went into committee of the whole on the general order,

Mr. Hemingway in the chair.

After some time spent therein, the committee rose, and through the chairman, made the following report :

The committee of the whole have had under consideration the following entitled bills :

1. A bill relative to interest on contracts between citizens of this State and other States and countries, or payable elsewhere than in this State ;



Also,

2. A bill to amend section 5, of chapter 165, of the revised statutes of 1846, section 6072 of compiled laws ;

Have made no amendments thereto, and have directed their chairman to report the same back to the House, and recommend their passage.

The committee of the whole have also had under consideration the following entitled bill :

3. A bill to amend an act entitled an act to amend sections 13 and 15 of an act entitled an act relative to free schools in the city of Detroit, approved Feb. 17, 1842, being No. 3 of the session laws of 1855, and approved January 20, 1855,

Which the committee report back to the House, with a recommendation that it be referred to the committee on the judiciary;

Also,

4. A bill to amend sections 8, 16 and 18, of chapter 94 of the revised statutes of 1846, the same being chapter 118 of compiled laws ;

Have made several amendments thereto, and have directed their chairman to report the same back to the House, asking concurrence therein, and recommend its passage.

G. F. HEMINGWAY, *Chairman.*

The first and second named bills were ordered to a third reading.

The third named bill was referred to the committee on judiciary.

The amendments to the fourth named bill were concurred in, and the bill ordered engrossed for a third reading.

Mr. Kelsey moved that the House adjourn;

Which motion did not prevail.

Mr. Joy moved that when the House adjourn it be until tomorrow morning at ten o'clock;

Which motion prevailed.

On motion of Mr. Childs,

The House adjourned.



*Lansing, Thursday, January 31, 1861.*

House met pursuant to adjournment, and was called to order by the Speaker.

Prayer by Rev. Mr. Gaston.

Roll called: quorum present.

Absent at roll call without leave, Mr. Bunce.

Mr. Smith asked and obtained leave of absence for Mr. Bunce for an indefinite time, on account of sickness.

PETITIONS PRESENTED.

By Mr. Alexander: petition of Ebenezer McIlvain and 12 others, members of the bar, and 33 others, citizens of Berrien county, for an additional circuit court commissioner for said county;

Referred to the committee on judiciary.

By Mr. Piper: petition of Wm. A. Peck, Charles Wells, and 37 others, praying for the passage of a dog law;

Referred to the committee on agriculture and manufactures.

By Mr. Leetch: petition of Plymouth Farmer's and Mechanic's Club, for a law in regard to the liabilities attendant on the raising and keeping of dogs;

Referred to the committee on agriculture and manufactures.

By Mr. Lockwood: petition of M. Howard Webster and 48 other business men and mercantile firms of Detroit, for an amendment of the constitution of this State so as to permit the establishment of the Ohio and Indiana State Bank system in this State;

Also, petition of Farrand & Sheeley, and 27 other mercantile firms and business men of Detroit, for the same purpose;

Referred to the committee on banks and incorporations.

By Mr. Taylor: petition of Jesse A. Barker, Rufus Kent, O. C. Fuller and 147 others, asking for an appropriation of swamp land to improve a road in the counties of Kent, Newaygo and Mecosta;

Also, petition of L. Palmer, G. W. Palmer and 50 others, for the same purpose;



The recommendations of the committee were concurred in, and the petition referred to the committee on ways and means.

By the majority of the judiciary committee :

The majority of the committee on the judiciary, to whom was referred

Senate bill No. 11, the same being

A bill to amend sections 4339, 4340, 4341 and 4342 of the compiled laws, in relation to the competency of witnesses, and examination of parties in certain cases ;

Respectfully report that they have had the said bill under consideration, and return the same to the House, with the accompanying amendments, in which they recommend the concurrence of the House. They also recommend that the bill as amended do pass, and ask to be discharged from the further consideration of the same.

THOS. W. LOCKWOOD, *Chairman.*

Report accepted, and

On motion of Mr. Howell,

The report was laid on the table, and leave granted the minority of the committee to report,

By the judiciary committee :

The committee on the judiciary, to whom was referred

A bill to amend sections No. 99, 100, 101 and 102, of chapter No. 127, of compiled laws;

Respectfully report that they have had the said bill under consideration, and that as the same objects as those contemplated by the bill are fully accomplished by Senate bill No. 11, they recommend that the same do not pass, and ask to be discharged from the further consideration of the subject.

THOS. W. LOCKWOOD, *Chairman.*

Report accepted and committee discharged.

On motion of Mr. Pringle,

The bill was laid on the table.

By the judiciary committee :

The committee on the judiciary, to whom was referred a peti-



tion of the supervisors and county officers of Cass county, praying for an amendment of the statute, so that fines, forfeitures and recognizances may be paid into the general or poor fund of the counties,

Respectfully report they have had the said petition under consideration, return the same to the House with the recommendation that the prayer of the petitioners be not granted, and ask to be discharged from the further consideration of the subject.

THOS. W. LOCKWOOD, *Chairman.*

Report accepted, and committee discharged.

On motion of Mr. Childs,

The petition was laid on the table.

By the committee on towns and counties :

The committee on towns and counties, to whom was referred

A bill to change the name of the township of Little Sauble, in the county of Mason,

Having considered the same, direct me to report in favor of the bill, and recommend that it do pass, and ask to be discharged from the further consideration of the same.

J. B. WILSON, *Chairman.*

Report accepted and committee discharged.

On motion of Mr. Pringle,

The bill was referred to the committee of the whole and placed on the general order.

By the committee on militia :

The committee on militia, to whom was referred

A bill to provide a military force and fund,

Have had the same under consideration, and report the same back to the House, with certain amendments, and ask that the amendments may be concurred in, and that the bill may be re-printed and placed upon the general order, and ask to be discharged from further consideration thereof.

A. W. DAVIS, *Chairman.*

Report accepted and committee discharged.

On motion of Mr. Sessions,



The House concurred in the amendments made by the committee.

The bill was ordered printed, referred to the committee of the whole, and placed on the general order.

By the committee on towns and counties:

The committee on towns and counties, to whom was referred

A bill to organize the township of Big Sauble, in the county of Mason,

Having considered the same, direct me to report in favor of the bill and recommend its passage, and ask to be discharged from the further consideration of the same.

JOHN B. WILSON, *Chairman.*

Report accepted and committee discharged.

On motion of Mr. Pringle,

The bill was referred to the committee of the whole, and placed on the general order.

#### MOTIONS, RESOLUTIONS AND NOTICES.

Mr. Hill moved to take from the table House bill, entitled

A bill requiring the Auditor General to report to county treasurers lists of all lands sold for taxes, or redeemed at his office;

Which motion prevailed.

Mr. Hill moved that the bill be recommitted to the committee on ways and means;

Which motion prevailed.

Mr. Childs asked and obtained leave of absence for himself until Tuesday next.

Mr. Lockwood, unanimous consent being given, introduced

A bill to extend the time for the collection of taxes in the county of Wayne.

Mr. Lockwood moved that the rules be suspended, and that the bill be put upon its final passage;

Which motion prevailed.

The bill was then read a third time and passed, a majority of all the members elect voting therefor, by yeas and nays, as follows :



## YEAS.

Mr. Adams,  
Brownell,  
Chase,  
Choate,  
Chapoton,  
Cooley,  
Cox,  
Crego,  
Cutcheon,  
A. W. Davis,  
C. Davis,  
Douglas,  
Fallass,  
Follett,  
Foote,

Mr. Goodrich,  
A. L. Green,  
N. K. Green,  
Hadley,  
Hemingway,  
Hill,  
Joy,  
Kelsey,  
Lockwood,  
Moore,  
Persons,  
Peters,  
Peterson,  
Phelps,  
Piper,

Mr. Rankin,  
Sessions,  
Shank,  
Smith,  
Toll,  
Wade,  
Warner,  
Waterbury,  
T. M. Wilson,  
J. B. Wilson,  
Woodman,  
Woodward,  
Wright,  
Speaker,

44

## NAYS.

Mr. Alexander,  
Baker,  
Beamer,  
Blakeslee,  
Childs,  
Cook,  
Ira Davis,  
Fowle,  
Gilbert,  
Gregory,

Mr. Haire,  
Henderson,  
Hood,  
Howell,  
Hurd,  
Kanouse,  
Leetch,  
Miller,  
Pratt,  
Pringle,

Mr. Read,  
Shanahan,  
W. N. Stevens,  
Stewart,  
Strong,  
Taylor,  
Tibbits,  
Wetherby,  
Wheeler,  
Winans,

30

Title agreed to.

Mr. Lockwood moved that the bill be ordered to take immediate effect ;

Mr. Childs called for the yeas and nays.

. The call was seconded.

Mr. Lockwood asked the unanimous consent of the House to withdraw his motion to order the bill to take immediate effect;

Objected to by Mr. Strong.

The question recurring upon the motion to order the bill to take immediate effect, the same did not prevail, two-thirds of all the members elect not voting therefor, by yeas and nays, as follows:

## YEAS,

Mr. Adams,  
Atwood,

Mr. Goodrich,  
A. L. Green,

Mr. Rankin,  
Sessions,



Beamer,  
Brownell,  
Childs,  
Choate,  
Chapoton,  
Cooley,  
Crego.  
Cutcheon,  
A. W. Davis,  
C. Davis,  
Ira Davis,  
Douglas,  
Fallass,  
Follett,  
Foote,  
Gilbert,

N. K. Green,  
Hadley,  
Hemingway,  
Hill,  
Joy,  
Kanouse,  
Kelsey,  
Lockwood,  
Moore,  
Persons,  
Peters,  
Peterson,  
Phelps,  
Piper,  
Ramsdell,

Shank,  
Smith,  
Stewart,  
Stoddard,  
Taylor,  
Toll,  
Wade,  
Warner,  
Waterbury,  
T. M. Wilson,  
J. B. Wilson,  
Woodman,  
Woodward,  
Wright,  
Speaker,

52

## NAYS.

Mr. Alexander,  
Baker,  
Blakeslee,  
Chase,  
Cook,  
Cox,  
Fowle,  
Gregory,  
Haire,

Mr. Henderson,  
Hood,  
Howell,  
Hurd,  
Leetch,  
Miller,  
Pratt,  
Pringle,

Mr. Read,  
Shanahan,  
W. N. Stevens,  
Strong,  
Tibbits,  
Wetherby,  
Wheeler,  
Winans,

25

Pending the announcement of the vote,

Mr. Taylor moved that Mr. Waterbury be excused from voting;  
Which motion did not prevail.

Mr. Waterbury then voted as above.

Mr. Lockwood asked and obtained the unanimous consent of the House to make the following majority report of the committee on judiciary:

The majority of the committee on the judiciary, to whom was referred the petition of I. Babcock and 24 others, asking for an extension of the time for the collection of taxes in Battle Creek city,

Respectfully report that they have had the same under consideration, report it back with the recommendation that the prayer of the petitioners be granted, and ask to be discharged from the further consideration of the subject.

THOS. W. LOCKWOOD, *Chairman.*



Report accepted.

Mr. Taylor offered the following :

*Whereas*, An outside influence is sought to be brought to bear in and upon the doings of this Legislature ;

*And whereas*, Designing men are striving by the offer of money, and otherwise, to influence legislation ;

*And whereas*, The Detroit Free Press has published a threat of a "fire in the rear," if this Legislature will not back down and eat dirt with its editor ; therefore

*Resolved*, That this Legislature will be influenced by no offer of money, threats by traitors, or fear of foes without or within this State.

*Resolved*, That this Legislature needs no instructions from men whose want of courage has made them insane, and whose want of foresight has made them fearful.

On motion of Mr. Cutcheon,

The resolution was laid on the table.

Mr. C. Davis, previous notice having been given, and leave being granted, introduced

A bill to provide for the formation of companies for the construction of canals, and improvement of harbors.

The bill was read a first and second time by its title, and referred to the committee on banks and incorporations.

Mr. Warner, previous notice having been given, and leave being granted, introduced

A bill to organize the townships of Carp River and Superior, in the county of Marquette.

The bill was read a first and second time by its title, and referred to the committee on towns and counties.

Mr. Stoddard, previous notice having been given, and leave being granted, introduced

A bill attaching certain territory to the township of Geneva, in Tuscola county ;

Which was read a first and second time by its title, and referred to the committee on towns and counties.



By the committee on engrossment and enrollment:

The committee on engrossment and enrollment report as correctly engrossed, the following entitled bill:

A bill to amend sections 8, 16 and 18, of chapter 94, of the revised statutes of 1846, the same being chapter 118, compiled laws.

A. L. GREEN, *Chairman.*

Report accepted, and the bill placed on the order of third reading.

THIRD READING OF BILLS AND JOINT RESOLUTIONS.

House bill, entitled

A bill relative to interest on contracts between citizens of this State and other States and countries, or payable elsewhere than in this State,

Was read a third time and passed, a majority of all the members elect voting therefor, by yeas and nays, as follows:

YEAS.

Mr. Adams,	Mr. A. L. Green,	Mr. Pringle,
Alexander,	N. K. Green,	Ramsdell,
Atwood,	Hadley,	Rankin,
Baker,	Haire,	Reed,
Beamer,	Henderson,	Sessions,
Blakeslee,	Hemingway,	Shank,
Brownell,	Hill,	Shanahan,
Chase,	Hood,	W. N. Stevens,
Childs,	Howell,	Stewart,
Choate,	Hurd,	Stoddard,
Cooley,	Joy,	Strong,
Cox,	Kanouse,	Tibbits,
Orego,	Kelsey,	Toll,
Gutcheon,	Leetch,	Wade,
A. W. Davis,	Lockwood,	Warner,
C. Davis,	Miller,	Waterbury,
Ira Davis,	Moore,	Wetherby,
Douglas,	Persons,	Wheeler,
Fallam,	Peters,	Winans,
Follett,	Peterson,	Woodman,
Foote,	Phelps,	Woodward,
Gilbert,	Piper,	Wright,
Goodrich,	Pratt,	Speaker,
Gregory,		



## NAYS.

Mr. T. M. Wilson,

1

Title agreed to.

House bill, entitled

A bill to amend section 5, of chapter 165, of the revised statutes of 1846, section 6072 of compiled laws,

Was read a third time and passed, a majority of all the members elect voting therefor, by yeas and nays, as follows :

## YEAS.

Mr. Adams,

Mr. N. K. Green,

Mr. Read,

Alexander,

Hadley,

Sessions,

Atwood,

Haire,

Shank,

Baker,

Henderson,

Shanahan,

Beamer,

Hemingway,

Smith,

Blakeslee,

Hill,

W. N. Stevens,

Chase,

Hood,

Stewart,

Childs,

Howell,

Stoddard,

Choate,

Hurd,

Strong,

Chapoton,

Joy,

Tibbits,

Cooley,

Kanouse,

Toll,

Cox,

Kelsey,

Wade,

Crego,

Leetch,

Warner,

Cutcheon,

Lockwood,

Waterbury,

A. W. Davis,

Miller,

Wetherby,

C. Davis,

Peters,

Wheeler,

Fallass,

Peterson,

T. M. Wilson,

Follett,

Phelps,

J. B. Wilson,

Foote,

Piper,

Winans,

Gilbert,

Pratt,

Woodman,

Goodrich,

Pringle,

Woodward,

Gregory,

Ramsdell,

Wright,

A. L. Green,

Rankin,

Speaker, 69

## NAYS.

0

Title agreed to.

House bill, entitled

A bill to amend sections 8, 16 and 18, of chapter 94, of the revised statutes of 1846, the same being chapter 118 of compiled laws,

Being under consideration,

On motion of Mr. Howell,



The bill was re-committed to the committee on engrossment and enrollment.

On motion of Mr. Howell,

The House took a recess until 2 o'clock in the afternoon.

—  
AFTERNOON SESSION.

2 o'clock P. M.

The House met, and was called to order by the Speaker.

Roll called : quorum present.

Mr. Lockwood asked and obtained the unanimous consent of the House to introduce a bill, entitled

A bill to extend the time for the collection of taxes in the city of Battle Creek.

The bill was read a first and second time by its title, and

On motion of Mr. Lockwood,

The rules were suspended, and the bill put upon its final passage.

The bill was then read a third time, and a majority of all the members elect not voting therefor, it was not passed, by yeas and nays, as follows :

YEAS.

Mr. Adams,  
Atwood,  
Choate,  
Cooley,  
Crego,  
Cutcheon,  
A. W. Davis,  
C. Davis,  
Fallass,  
Follett,  
Foote,  
Goodrich,

Mr. Hadley,  
Henderson,  
Hemingway,  
Hill,  
Kelsey,  
Lockwood,  
Moore,  
Phelps,  
Piper,  
Pratt,  
Ramsdell,

Mr. Rankin,  
Read,  
Sessions,  
Shank,  
Smith,  
Toll,  
Warner,  
T. M. Wilson,  
J. B. Wilson,  
Woodward,  
Speaker,

84

NAYS.—

Mr. Alexander,  
Beamer,  
Blakeslee,  
Chase,  
Childs,

Mr. Haire,  
Hodges,  
Hood,  
Howell,  
Hard,

Mr. W. N. Stevens,  
Stewart,  
Strong,  
Taylor,  
Tibbits,



Chapoton,  
Cox,  
Ira Davis,  
Fowle,  
Gilbert,  
Gregory,  
A. L. Green,

Kanouse,  
Leetch,  
Peters,  
Peterson,  
Pringle,  
Shanahan,

Wade,  
Waterbury,  
Wetherby,  
Wheeler,  
Winans,  
Woodman,

34

Mr. Hurd asked and obtained the unanimous consent of the House to offer the following :

*Resolved*, That the committee on federal relations be instructed to meet the like committee of the Senate, and confer together in regard to the joint resolutions referred to them relative to the state of the Union, and report their action to this House without unnecessary delay.

Mr. Howell called for the yeas and nays, on the adoption of the resolution.

The call was seconded, and the resolution was adopted, by yeas and nays, as follows :

## YEAS.

Mr. Alexander,  
Atwood,  
Childs,  
Ira Davis,  
Douglas,  
Fallass,  
Fowle,  
Gilbert,  
Goodrich,  
Gregory,  
A. L. Green,  
N. K. Green,  
Hadley,  
Haire,  
Henderson,

Mr. Hemingway,  
Hill,  
Hodges,  
Hood,  
Hurd,  
Joy,  
Kanouse,  
Leetch,  
Lockwood,  
Miller,  
Moore,  
Persons,  
Peters,  
Peterson,  
Piper,

Mr. Pringle,  
Rankin,  
Shank,  
Smith,  
Stewart,  
Stoddard,  
Toll,  
Warner,  
Waterbury,  
T. M. Wilson,  
J. B. Wilson,  
Winans,  
Woodman,  
Woodward,  
Wright,

45

## NAYS.

Mr. Adams,  
Beamer,  
Blakeslee,  
Chase,  
Choate,  
Chapoton,  
Cook,

Mr. Cutcheon,  
A. W. Davis,  
C. Davis,  
Follett,  
Foote,  
Howell,  
Phelps,

Mr. Sessions,  
Shanahan,  
W. N. Stevens,  
Taylor,  
Tibbits,  
Wade,  
Wetherby,



Cooley,  
Cox,  
Grego,

Pratt,  
Ramsdell,  
Read,

Wheeler,  
Speaker,  
29

Mr. Fowle moved to reconsider the vote by which the resolution was adopted ;

Which motion prevailed.

Mr. Sessions moved to lay the resolution on the table ;

Which motion prevailed.

Mr. Outcheon, by unanimous consent, offered the following :

*Resolved*, (the Senate concurring,) That the committee on federal relations of this House, be instructed to meet the like committee of the Senate, and to confer together in regard to the joint resolution referred to them relative to the state of the Union, and report their action to this House without unnecessary delay.

Laid on the table for one day under the rule.

#### SPECIAL ORDER.

On motion of Mr. Howell,

The House went into committee of the whole on the special order,

Mr. Read in the chair.

After some time spent therein, the committee rose, and, through the chairman, made the following report :

The committee of the whole have had under consideration the following entitled bill :

A bill to amend certain sections of an act entitled an act to establish a House of Correction for juvenile offenders, approved February 10th, 1855, as amended by an act entitled an act to amend certain sections of an act entitled an act to establish a House of Correction for juvenile offenders, approved February ninth, eighteen hundred and fifty-five, approved February 10th, 1857, and to amend section two of said last mentioned act;

Have made some progress therein, but not having gone through therewith, have directed their chairman to report that fact to the House, and ask leave to sit again.

G. E. READ, *Chairman.*



Report accepted, and leave granted the committee to sit again.

Mr. Howell, as chairman of the committee on federal relations, asked unanimous consent of the House to submit a report, with an accompanying joint resolution on the state of the Union.

Mr. Brownell objected.

Mr. Sessions moved that the rules be suspended, and that the committee have leave to report;

Which motion prevailed.

The committee then submitted the following report :

The committee on federal relations, to whom was referred sundry joint resolutions, memorials, etc., relative to the state of the Union, beg leave respectfully to report :

That they have had the same under consideration, and, in accordance with the desire of the House, and in view of the duties the people of Michigan owe the general government, have unanimously instructed me to report the following joint resolution, entitled

JOINT RESOLUTION on the state of the Union:

*Whereas*, Certain citizens of the United States are, at this time, in open rebellion against the government, and by overt acts threaten its peace and harmony, and compass its final overthrow; therefore

*Resolved*, That the government of the United States is supreme, with full inherent powers of self-protection and defense.

*Resolved*, That Michigan adheres to the government, as ordained by the Constitution, and for sustaining it intact, hereby pledges and tenders to the general government all its military power and material resources.

*Resolved*, That concession and compromise are not to be entertained or offered to traitors, while the rights and interests of Union-loving citizens shall be regarded and respected in every place and under all circumstances.

*Resolved*, That his Excellency, the Governor, be requested to



forward a copy of these resolutions to our Senators and Representatives in Congress, and to the Governors of our sister States.

And your committee recommend that the same do pass, and ask to be discharged from the further consideration thereof.

W. T. HOWELL, *Chairman.*

Report accepted and committee discharged.

The joint resolution was read a first and second time by its title, and

On motion of Mr. Pringle,

The rules were suspended, and the joint resolution put upon its final passage.

The joint resolution, being

Joint resolution on the state of the Union,

Was read a third time and passed, a majority of all the members elect voting therefor, by yeas and nays, as follows :

YEAS.

Mr. Adams,  
Alexander,  
Beamer,  
Blakeslee,  
Chase,  
Chapoton,  
Cook,  
Cox,  
Crego,  
Cutcheon,  
A. W. Davis,  
C. Davis,  
Ira Davis,  
Fallass,  
Follett,  
Foote,  
Fowle,  
Gilbert,  
Goodrich,  
A. L. Green,  
N. K. Green,  
Haire,

Mr. Henderson,  
Hemingway,  
Hill,  
Hood,  
Howell,  
Hurd,  
Joy,  
Kanouse,  
Kelsey,  
Leetch,  
Lockwood,  
Miller,  
Moore,  
Persons,  
Peters,  
Peterson,  
Phelps,  
Piper,  
Pratt,  
Pringle,  
Ramsdell,  
Rankin,

Mr. Read,  
Sessions,  
Shank,  
Shanahan,  
Smith,  
W. N. Stevens,  
Stewart,  
Stoddard,  
Taylor,  
Tibbits,  
Toll,  
Wade,  
Waterbury,  
Wetherby,  
Wheeler,  
T. M. Wilson,  
J. B. Wilson,  
Woodman,  
Woodward,  
Wright,  
Speaker,



## NAYS.

Mr. Atwood,  
Brownell,  
Choate,

Mr. Cooley,  
Douglas,  
Gregory,

Mr. Hadley,  
Strong,

8

Title and preamble agreed to.

On motion of Mr. Taylor,

The House adjourned till to-morrow morning at 10 o'clock.

*Lansing, Friday, February 1, 1861.*

The House met pursuant to adjournment, and was called to order by the Speaker.

Prayer by Rev. Mr. Armstrong.

Roll called : quorum present.

Absent at roll call without leave, Messrs. Choate, Peters, Wetherby, Wright.

Mr. Strong asked and obtained leave of absence for Mr. Choate for an indefinite time, on account of sickness.

Mr. Howell asked and obtained leave of absence for Mr. Peters for an indefinite time, on account of sickness.

Mr. Goodrich asked and obtained leave of absence for Mr. Wetherby for an indefinite time.

Mr. Hill asked and obtained leave of absence for Mr. Wright for an indefinite time, on account of sickness.

## PETITIONS PRESENTED.

By Mr. Alexander : petition of Wm. C. Fish, Geo. S. Babcock and 96 other members of the sporting fraternity of Berrien county, for amendment of the game law ;

Referred to the committee on State affairs.

Also, the petition of R. C. Paine and 75 other citizens of Berrien county, for amendment of the Constitution in relation to banking ;

Referred to the committee on banks and incorporations.

By Mr. Taylor : the petition of Thomas J. Blackwell, N. H. Robertson and 30 others, asking for an appropriation of swamp



lands to improve a certain State road in the counties of Kent, Newaygo and Mecosta;

Also, the petition of Benjamin Ensley, H. H. Lute and 80 others, for the same;

Referred to the committee on public lands.

By Mr. Henderson: the petition of W. W. Woolnough, L. D. Dibble, B. F. Graves and 34 others, citizens of Battle Creek, asking the passage of a law relieving persons observing the seventh day of the week as the Sabbath, from service of process;

Referred to the committee on judiciary.

By Mr. Woodman: petition of Orrin T. Welch and 32 others, praying for an act to incorporate the village of Decatur;

Referred to the committee on banks and incorporations.

By Mr. Sessions: petition of Adam L. Roof and 74 others, citizens of Ionia county, for a law taxing dogs, for the protection of the owners of sheep in this State;

Referred to the committee on agriculture.

By Mr. Lockwood: petition of the President, Directors and company of the Peninsular Bank, for the passage of a law to reduce its capital stock;

Referred to the committee on banks and incorporations.

By Mr. Howell: petition of Joseph E. Beebe and 16 others, of the city of Jackson, praying for a stringent usury law;

Referred to the committee on judiciary.

By Mr. W. N. Stevens: petition of D. McIntyre, Silas H. Douglas, John W. Maynard and about 45 others of Washtenaw county, representing the insufficiency of our present banking law, and asking for such an amendment of the constitution of this State, as will enable the Legislature thereof to establish a system of banking similar to that now existing in the States of Ohio and Indiana;

Referred to the committee on banks and incorporations.

By Mr. Read: remonstrance of B. S. Gleason, S. R. Balch and 28 others, citizens of Kalamazoo county, against the repeal of the Kalamazoo and Three Rivers Plank Road Company;



Referred to the committee on banks and incorporations.

By Mr. Kelsey : petition of B. O. Williams, J. S. Hitchcock, F. M. Waldron and 21 others, for an act providing for a county superintendent of schools, and also to reduce the number of township inspectors to one ;

Also, petition of Geo. K. Newcomb, Joel Lyon, D. Lyon and others, for the same ;

Also, petition of H. O. Pierce, B. Hanchett, Frank Allen and others, for the same ;

Also, petition of A. B. Chipman, J. M. Guile, C. S. Goodhue and others, for the same ;

Referred to the committee on education.

By Mr. Hodges : petition of James Hathaway and 20 others, praying for an amendment of the primary school laws of 1859 ;

Referred to the committee on education.

By Mr. J. B. Wilson : petition of James S. Deming and 32 others, of Lapeer county, praying for the construction of a State road, and asking an appropriation of the non-resident tax thereon ;

Referred to the committee on public lands.

Also : remonstrance of J. C. Erving, against a State road being laid in the township of Allison ;

Referred to the committee on roads and bridges.

By Mr. N. K. Green : remonstrance of L. H. Parker, F. G. North and 26 others, electors and others, citizens of Rome and vicinity, in Lenawee, against the repeal of the so-called personal liberty bills ;

Referred to the committee on judiciary.

#### REPORTS OF STANDING COMMITTEES.

By the committee on ways and means:

The committee of ways and means, to whom was referred Senate bill No. 27, being

A bill to amend section 836 of the compiled laws,

Have had the same under consideration, and have instructed me to report the same back to the House without amendment,



and recommend that it do pass, and ask to be discharged from the further consideration of the same.

For the committee,

#### A. SESSIONS.

Report accepted and committee discharged.

The bill was referred to the committee of the whole and placed on the general order.

By the committee on ways and means :

The committee on ways and means, to whom was referred  
A bill to amend section five of an act to amend an act to provide for assessing property at its true value, and for levying and collecting taxes thereon, approved February 14, 1853,

Have had the same under consideration, and instructed me to report the same back to the House without amendment, and recommend that it do pass, and ask to be discharged from its further consideration.

For the committee,

#### A. SESSIONS.

Report accepted and committee discharged.

The bill was ordered printed, referred to the committee of the whole, and placed on the general order.

By the committee on ways and means:

The committee on ways and means, to whom was referred  
Senate bill No. 26, being

A bill making appropriations for the salaries of State officers for the years 1861 and 1862 ;

Have considered the same, and instructed me to report the bill to the House with an amendment, in which they ask the House to concur, and when so amended, recommend its passage, and wish to be discharged from any further consideration of the same.

ALONZO SESSIONS, *for the Committee.*

Report accepted and committee discharged.

On motion of Mr. Pringle,



The House concurred in the amendment made by the committee.

The bill was referred to the committee of the whole, and placed on the general order.

By the committee on education :

The committee on education, to whom was recommitted

House bill No. 35, being

A bill to amend an act to provide for graded and high schools ;

Have had the same under consideration, and made one amendment thereto, and report the bill back and recommend that when so amended it do pass, and ask to be discharged from the further consideration of the same.

B. L. HILL, *Chairman.*

Report accepted and committee discharged.

On motion of Mr. A. L. Green,

The House concurred in the amendment made by the committee.

On motion of Mr. Howell,

The bill was placed on the order of third reading.

By the judiciary committee:

The committee on the judiciary, to whom was referred the following:

*Resolved*, That the judiciary committee be instructed to enquire into the expediency of providing by law for the recovery of damages sustained by individuals in crossing decayed or defective bridges, and that they report by bill or otherwise,

Respectfully report that they have had the said resolution under consideration, and have directed their chairman to report that although a law could be framed which would afford some relief, such a law would, in the opinion of the committee, cause more trouble and litigation than benefit to the public. The committee therefore deem such provision of law inadvisable, and ask to be discharged from the further consideration of the subject.

THOS. W. LOCKWOOD, *Chairman.*



Report accepted and committee discharged.

By the committee on printing:

The committee on printing, who were instructed by resolution of this House, adopted January 29, 1861, to cause to be printed one thousand extra copies of the memorial of the State Military Board, for the use of this House,

Would respectfully report that they have performed that duty, and ask to be discharged from further action thereon.

F. H. RANKIN, *Chairman.*

Report accepted and committee discharged.

By the minority of the committee on judiciary :

The undersigned, a minority of the committee on the judiciary, to whom was referred Senate bill No. 11, being

A bill to amend certain sections of the compiled laws, in regard to the competency of witnesses and examination of parties in certain cases,

Respectfully report that while they concur in recommending the amendments which have been proposed by the majority of the committee, and approve the main features of the bill as amended, they believe that still further amendments ought to be made.

The plan of introducing parties to civil suits as witnesses for or against themselves, though it may seem in another form the revival of the obsolete practice of wager of law, in which the defendant was allowed, when sued, to come forward and swear that he did not owe the debt, or that he had paid it, and to go scot free in case he could bring eleven of his neighbors to swear that they believed him, has still much merit in it, if limited to cases where both parties may come upon the stand, or make depositions to be used in court. It is, however, yet an experiment, the plan having been tried but a few years only in England, and some of our American States. The idea of our simple-minded British ancestors, who thought that "no man would forswear himself for any worldly thing," is probably not so much that of the friends of this bill, as the other idea that at



the risk of many perjuries, the truth may be made more evident. It may be remarked that it is likely to bring the services of skillful advocates more into demand, and hence that it will afford some "incidental protection" to a very worthy class of citizens. It may be commended as merely to engage in the experiment with the rest, instead of waiting to see how it succeeds in other States and countries.

The undersigned are in favor of striking out that provision of the bill giving to a defendant in criminal cases liberty to make a statement to the court or jury, and the right to the prosecution of cross examination upon such statement. The presumption of the law is that the accused is innocent until proved guilty, and the undersigned believe that this provision can only be justified upon the opposite presumption. It is believed that its evident tendency, in a vast majority of cases, would be to make the conviction of either guilty or innocent men easier. It is left optional with the defendant, but he is sure to be prejudiced before a jury, if he does not come upon the stand. Unprofessional juries will not be very likely to understand why the counsel of an innocent man would in many cases keep his client mute, when all are anxious for the explanation which he might give. Yet in most cases the accused will not be surrounded by his friends, but by those who, in spite of themselves, perhaps, look in every word he utters for a confirmation of his guilt. He will see and feel this, and as he goes, for it may be the first time upon the stand, with all the weight of a large responsibility upon him, it is likely that his memory may fail him, and that in his confession he may be tempted to utter words irrelevant or not strictly true. He is not likely to give an entirely accurate account, or life-like picture, of what has occurred, for to do this is one of the most difficult achievements of the clearest headed and most observing. If he does not break down upon a cross examination, he is likely to state what may appear to be contradictions of witnesses who have testified, and if the jury shall deem him untruthful in the least material matter, his conviction is pretty certain. It will no



avail much to say that the prosecuting attorney, being a public officer, will favorably construe his statements, and do an innocent man no harm by his cross examinations. Such is not human nature. The public officer, however conscientious, acts upon the conviction that the prisoner is guilty, and arranges his evidence and his cross examinations expressly to support that theory. Ordinary observation will, it is believed, confirm the statement that in a great majority of cases, the attorney for the people is quite as much or more in earnest during trials than the counsel in civil suits.

If in any given case the person be innocent, and all the facts can go before the jury in their natural order and sequence, they will give a complete explanation of the circumstances which have been proved, indicating guilt. These facts will rest upon and support each other, be entirely harmonious with the circumstances shown against the prisoner, and will enable the jury to form a theory consistent with his innocence. It is always the duty of the prosecution to adduce such proof as shall preclude every theory but that of guilt, and it is always the privilege of the accused to suggest, by himself or counsel, any reasonable explanation of the circumstances proven. A truthful explanation is always natural and reasonable if all the truth be stated, and this can ordinarily be better suggested by and brought to the jury by counsel, than by the embarrassed client. The old adage, "He who pleads his own cause has a fool for a client," will perhaps give a hint of the dangers to be encountered by innocent as well as guilty persons who come before a jury to make statements and to be cross examined.

The undersigned believe that the adoption of this provision would be carrying the experiment altogether too far.

The undersigned are also in favor of striking out all the provisions of this bill, which give to husband and wife the right to testify for and against each other upon consent of both. The intimate and confidential character of the marital relations, the mutual interests of husband and wife, and the considerative recognized by the common law, that the husband exercises a con-



trolling influence over the wife, so great that she is ordinarily deemed to have acted by coercion, if she commits a crime in his presence, have led to such legal rules as that they two cannot alone be guilty of a conspiracy ; and that the testimony of a wife shall in no case be held to corroborate that of a husband. Modern laws, indeed, allow the wife to hold separate property, to sue and be sued, to make contracts, and all things relating to her separate property, as though she were single ; and it is believed that these laws are upheld by sufficient reasons ; but at the same time, experience has abundantly shown that the effect of all this change is not materially to alter their relations. The husband is practically as much the head of the family now, and exercises as great an influence over the wife, as he did three hundred years ago, when she was denied all separate rights.

It is believed by the undersigned, that the experiment will have been carried quite far enough when the plaintiff and defendant are allowed to testify against each other, and that great temptations to perjury and little additional prospect of eliciting truth would be afforded if their wives or husbands were allowed to come upon the stand.

Further amendments are herewith submitted, designed to relieve this bill from the features deemed objectionable, in which the concurrence of the House is respectfully asked.

EUGENE PRINGLE,  
G. E. PRATT.

Report accepted.

Mr. Lockwood moved that the report of the majority of the committee on judiciary on the same subject, be taken from the table ;

Which motion prevailed.

On motion of Mr. Pringle,

The House concurred in the amendments made by the majority of the committee.

On motion of Mr. Lockwood,

The bill, with the amendments reported by the majority and



minority of the committee, were ordered printed, referred to the committee of the whole, and placed on the general order.

By the committee on engrossment and enrollment:

The committee on engrossment and enrollment report as correctly enrolled, signed and presented to the Governor, the following entitled bills:

A bill to authorize fractional school district No. 3, of the townships of Sylvan and Lima, county of Washtenaw, to issue bonds;

Also,

A bill to provide for changing the names of minor adopted children and other persons ;

Also,

A bill to amend section 8, of chapter 38, of the revised statutes of 1846, as amended by an act entitled an act to amend chapter 40 of the compiled laws, relative to the support of poor persons by the public, approved February 11, 1859 ;

Also,

A bill to authorize the trustees of the First Congregational Church of Lawrence, Van Buren county, to mortgage real estate;

Also,

A bill to extend the time for the collection of taxes in the townships of Lyons and Boston, Ionia county, for the year 1860.

A. L. GREEN, *Chairman.*

Report accepted.

By the committee on banks and incorporations :

The committee on banks and incorporations, to whom was referred the petition of William Millham and some 400 others, for the repeal of the charter of the Kalamazoo and Three Rivers Plank Road Company,

Respectfully report they have had the same under consideration, and find that this company was chartered in the year 1848; that section five of the act of incorporation, made the act relative to plank roads, approved four days previously, a part of that act, that the corporation was to exist for sixty years, that the right to alter, amend or repeal, by a two-thirds vote, was



reserved by the Legislature, but was not to be exercised for thirty years, unless it should be made to appear to the Legislature that there had been a violation by the company of some of the provisions of that act.

The act relative to plank roads referred to, was the general plank road law of that year, and the committee understand that this corporation can in no way be brought under the provisions or restrictions of subsequent laws, except by its express acceptance thereof. The assumed violation of the charter particularly pointed out by the petitioners, would be a violation of its charter by a company now formed under the general law, but not, in the opinion of the committee, of the incorporating act of 1848.

The committee are of opinion that the judicial power which the Legislature is now invoked to exercise, might much more safely and economically be exercised by another tribunal, and hence recommend that the prayer of the petitioners be not granted, and ask to be discharged from the further consideration of the subject.

E. PRINGLE, *Chairman.*

Report accepted and committee discharged.

By the committee on towns and counties :

The committee on towns and counties, to whom was referred a petition for the organization of Leelanaw county, have had the same under consideration, and direct me to report against the organization of said county, and recommend that the prayer of the petitioners be not granted, and ask to be discharged from the further consideration of the subject.

JOHN B. WILSON, *Chairman.*

Report accepted and committee discharged.

By the committee on banks and incorporations :

The committee on banks and incorporations, to whom was referred

A bill to amend act No. 248 of the laws of 1859, entitled an act to regulate fire, marine, life and health insurance companies, and their agents, associations, partnerships, and indi-



viduals doing fire, marine, life, and health insurance business, not incorporated by the State of Michigan, approved February 15, 1859,

Respectfully report that they have heretofore reported favorably on a Senate bill designed to accomplish the same and other purposes, and hence report this bill back to the House without recommendation, and ask to be discharged from the further consideration of the subject.

E. PRINGLE, *Chairman.*

Report accepted and committee discharged.

On motion of Mr. Howell,

The bill was laid on the table.

By the committee on towns and counties :

The committee on towns and counties, to whom was referred a petition of H. Hobert and 24 others, for the organization of fractional township 14 north of range 7 east, in the county of Tuscola, have had the same under consideration and direct me to report in favor of the prayer of the petitioners and ask leave to bring in a bill, recommend its passage, and ask to be discharged from the further consideration of the subject.

J. B. WILSON, *Chairman.*

Report accepted and committee discharged.

The bill was read a first and second time by its title, ordered printed, referred to the committee of the whole, and placed on the general order.

By the committee on towns and counties:

The committee on towns and counties, to whom was referred

A bill to attach certain unorganized territory to the county of Iosco,

Having duly considered the same, direct me to report in favor of the bill and recommend its passage, and ask to be discharged from the further consideration of the same.

JOHN B. WILSON, *Chairman.*

Report accepted and committee discharged.



The bill was ordered printed, referred to the committee of the whole, and placed on the general order.

By the committee on roads and bridges :

The committee on roads and bridges, to whom was referred the petition of R. L. Johnstone, S. S. Martin and others, for an act appropriating certain highway taxes, in the county of Shiawassee, for the improvement of the Corunna and Flushing State road, have had the same under consideration, and directed me to report the following entitled bill :

A bill appropriating certain highway taxes for the improvement of the Corunna and Flushing State road, in the county of Shiawassee ;

And recommend its passage, and ask to be discharged from the further consideration of the subject.

N. K. GREEN, *Chairman.*

Report accepted and committee discharged.

The bill was ordered printed, referred to the committee of the whole, and placed on the general order.

#### MESSAGES FROM THE SENATE.

The Speaker announced the following :

SENATE CHAMBER,  
*Lansing, January 30, 1861.* }

*To the Speaker of the House of Representatives :*

SIR:—I am instructed by the Senate to transmit the following entitled joint resolution :

Joint resolution to provide for the printing and distribution of the report of the State Geologist,

Which has passed the Senate by a majority vote of all the Senators elect, and in which the concurrence of the House is respectfully asked.

Very respectfully,

A. B. TURNER,

*Secretary of the Senate.*

The joint resolution was read a first and second time by its title, and referred to the committee on printing.



Also the following :

SENATE CHAMBER,  
Lansing, January 30, 1861. }

*To the Speaker of the House of Representatives :*

SIR :—I am instructed to return to the House the following entitled bill:

A bill to authorize the trustees of the First Methodist Episcopal Church of Lansing to convey to the Central Methodist Episcopal Church of Lansing, lot No. 6, in block No. 96, in the city of Lansing,

Which the Senate has amended by adding the following:

*"Provided, That no rights of creditors of said First Methodist Episcopal Church shall by this act be jeopardized;"*

In the passage of which, as thus amended, the Senate has concurred by a majority vote of all the Senators elect, and has ordered the same to take immediate effect by a vote of two-thirds of all the Senators elect.

Very respectfully,

A. B. TURNER,

*Secretary of the Senate.*

Mr. Sessions moved that the House concur in the amendment;

Which motion prevailed, by yeas and nays, as follows:

YEAS.

Mr. Adams,  
Alexander,  
Beamer,  
Blakeslee,  
Brownell,  
Chase,  
Chapoton,  
Cox,  
Orego,  
Outcheon,  
A. W. Davis,  
C. Davis,  
Ira Davis,  
Douglas,  
Fallass,  
Follett,  
Fowle,

Mr. N. K. Green,  
Hadley,  
Henderson,  
Hemingway,  
Hill,  
Hodges,  
Hood,  
Howell,  
Hurd,  
Joy,  
Kanouse,  
Kelsey,  
Leetch,  
Lockwood,  
Miller,  
Moore,  
Persons,

Mr. Pringle,  
Ramsdell,  
Rankin,  
Reed,  
Sessions,  
Shank,  
Shanahan,  
W. N. Stevens,  
Stewart,  
Stoddard,  
Taylor,  
Tibbits,  
Toll,  
Wade,  
Warner,  
Waterbury,  
Wheeler,



Gilbert,  
Goodrich,  
Gregory,  
A. L. Green,

Peterson,  
Phelps,  
Piper,  
Pratt,

T. M. Wilson,  
J. B. Wilson,  
Woodward,  
Speaker, 63

NAYS. 0

The bill was then referred to the committee on engrossment and enrollment.

Also the following:

SENATE CHAMBER,  
Lansing, January 30, 1861. }

*To the Speaker of the House of Representatives:*

SIR:—I am instructed by the Senate to transmit the following entitled bill:

A bill to provide for the continuance of the State Geological survey;

Which has passed the Senate by a majority vote of all the Senators elect, and in which the concurrence of the House is respectfully asked.

Very respectfully,

A. B. TURNER,

*Secretary of the Senate.*

The bill was read a first and second time by its title, and referred to the committee on geological survey.

Also the following:

SENATE CHAMBER,  
Lansing, January 31, 1861. }

*To the Speaker of the House of Representatives:*

SIR:—I am instructed to return to the House the following entitled joint resolution:

Joint resolution on the state of the Union,

In the passage of which the Senate has concurred by a majority vote of all the Senators elect

Very respectfully,

A. B. TURNER,

*Secretary of the Senate.*

The joint resolution was referred to the committee on engrossment and enrollment.



Also the following :

SENATE CHAMBER,  
Lansing, January 31, 1861. }

*To the Speaker of the House of Representatives:*

SIR:—I am instructed to return to the House the following entitled bill :

A bill to extend the time for the collection of taxes in the county of Wayne;

In the passage of which the Senate has not concurred, a majority of all the Senators elect, not voting therefor.

Very respectfully,

A. B. TURNER,  
*Secretary of the Senate.*

On motion of Mr. Lockwood,

The bill was laid on the table.

Also the following :

SENATE CHAMBER,  
Lansing, January 31, 1861. }

*To the Speaker of the House of Representatives:*

SIR:—I am instructed by the Senate to transmit the following entitled bill :

A bill for the extension of the time for the collection of taxes in the townships of Casco and Wales, in the county of St. Clair,

Which has passed the Senate by a majority vote of all the Senators elect, and by a vote of two-thirds of all the Senators elect, have been ordered to take immediate effect, and in all of which the concurrence of the House is respectfully asked.

Very respectfully,

A. B. TURNER,  
*Secretary of the Senate.*

The bill was read a first and second time by its title, and

On motion of Mr. A. W. Davis,

The rules were suspended, and the bill put upon its final passage.

The bill, being Senate bill, entitled

A bill for the extension of the time for the collection of taxes in the townships of Casco and Wales, in the county of St. Clair;



Was then read a third time and passed, a majority of all the members elect voting therefor, by yeas and nays, as follows:

## YEAS.

Mr. Atwood,	Mr. Fowle,	Mr. Moore,
Blakeslee,	Gilbert,	Peterson,
Brownell,	Goodrich,	Ramsdell,
Chapoton,	Gregory,	Rankin,
Cooley,	A. L. Green,	Shank,
Cox,	N. K. Green,	Shanahan,
Crego,	Hadley,	Stoddard,
Cutocheon,	Haire,	Taylor,
A. W. Davis,	Hemingway,	Toll,
C. Davis,	Hill,	Warner,
Ira Davis,	Hood,	Waterbury,
Douglas,	Joy,	T. M. Wilson,
Fallass,	Kanouse,	J. B. Wilson,
Follett,	Kelsey,	Woodward,
Foots,	Miller,	Speaker, 45

## NAYS.

Mr. Adama,	Mr. Hurd,	Mr. Read,
Alexander,	Leetch,	Sessions,
Beamer,	Lockwood,	W. N. Stevens,
Chase,	Persons,	Stewart,
Cook,	Phelps,	Wade,
Henderson,	Piper,	Wheeler,
Hodges,	Pratt,	Winans,
Howell,	Pringle,	Woodman, 24

Title agreed to.

Mr. A. W. Davis moved that the bill be ordered to take immediate effect ;

Which motion did not prevail.

Also the following:

SENATE CHAMBER,  
Lansing, January 31, 1861. }

*To the Speaker of the House of Representatives:*

SIR:—I am instructed by the House to return the following concurrent resolution :

*Resolved*, (the Senate concurring.) That the judiciary committee of the Senate and House of Representatives act as a joint committee in the matter of the petition of the board of supervisors and sundry citizens of Saginaw county, praying for the



removal of the Hon. Wilber F. Woodworth from the office of circuit judge, that said joint committee shall have power to send for persons and papers, to take testimony pertinent to the case, to administer oaths to witnesses, and to report such testimony with all convenient speed to the Senate and House of Representatives, with their opinion thereon ;

In which the Senate has concurred.

Very respectfully,

A. B. TURNER,

*Secretary of the Senate.*

Laid on the table.

Also the following :

SENATE CHAMBER,  
Lansing, January 31, 1861. }

*To the Speaker of the House of Representatives :*

SIR :—I am instructed by the Senate to transmit the following entitled bills :

A bill to change the name of the unorganized county of Otsego to that of Seward;

A bill to change the name of Nellie Frances Augur to Nellie Frances Hull;

Which have passed the Senate by a majority vote of all the Senators elect, and in all of which the concurrence of the House is respectfully asked.

Very respectfully,

A. B. TURNER,

*Secretary of the Senate.*

The first named bill was read a first and second time by its title, and referred to the committee on towns and counties.

The second named bill was read a first and second time by its title, and referred to the committee on the judiciary.

Also the following :

SENATE CHAMBER,  
Lansing, January 31, 1861. }

*To the Speaker of the House of Representatives :*

SIR :—I am instructed to return to the House the following entitled bill :



A bill to confirm deeds and instruments intended for the conveyance of real estate in certain cases,

Which the Senate has amended by inserting the words "or hereafter," after the word "heretofore," in the second line of section 1, and in the first line of each of sections 2 and 3 ;

Also,

A bill to amend sections 9 and 24, of chapter 103, of the revised statutes of 1846, compiled laws, volume 2, sections 4351 and 4376,

Which the Senate has amended, by inserting after the word "informed," in the seventh line, the words "and conversant with the English language;"

In the passage of which, as amended, the Senate has concurred by a majority vote of all the Senators elect, and, has ordered the same to take immediate effect by a vote of two-thirds of all the Senators elect.

Very respectfully,

A. B. TURNER,

*Secretary of the Senate.*

Mr. Lockwood moved that the House concur in the amendments made to the first named bill :

Which motion prevailed, by yeas and nays, as follows:

YEAS.

Mr. Adams,  
Alexander,  
Atwood,  
Beamer,  
Blakeslee,  
Brownell,  
Chase,  
Chapoton,  
Cook,  
Cooley,  
Cox,  
Crego,  
Cutcheon,  
A. W. Davis,  
C. Davis,  
Ira Davis,

Mr. Gregory,  
A. L. Green,  
N. K. Green,  
Hadley,  
Haire,  
Henderson,  
Hemingway,  
Hodges,  
Hood,  
Howell,  
Hurd,  
Joy,  
Kanouse,  
Kelsey,  
Leetch,  
Miller,

Mr. Piper,  
Ramsdell,  
Rankin,  
Read,  
Sessions,  
Shank,  
Shanahan,  
W. N. Stevens,  
Taylor,  
Toll,  
Wade,  
Warner,  
Waterbury,  
Wheeler,  
T. M. Wilson,  
J. B. Wilson,



Fallass,  
Follett,  
Foote,  
Gilbert,  
Goodrich,

Moore,  
Persons,  
Peterson,  
Phelps,

Winans,  
Woodman,  
Woodward,  
Speaker,

61

## NAYS.

Mr. Pratt,

Mr. Pringle,

2

The bill was then referred to the committee on engrossment and enrollment.

Mr. Lockwood moved that the House concur in the amendment made to the second named bill ;

Which motion prevailed, by yeas and nays, as follows :

## YEAS.

Mr. Adams,  
Alexander,  
Beamer,  
Blakeslee,  
Brownell,  
Chase,  
Chapoton,  
Cook,  
Cox,  
Crego,  
Cutcheon,  
A. W. Davis,  
C. Davis,  
Ira Davis,  
Fallass,  
Follett,  
Foote,  
Fowle,  
Gilbert,  
Goodrich,  
Gregory,

Mr. A. L. Green,  
N. K. Green,  
Hadley,  
Haire,  
Henderson,  
Hemingway,  
Hodges,  
Hood,  
Howell,  
Joy,  
Kanouse,  
Kelsey,  
Leetch,  
Lockwood,  
Moore,  
Persons,  
Peterson,  
Pratt,  
Pringle,  
Ramsdell,  
Rankin,

Mr. Read,  
Sessions,  
Shank,  
Shanahan,  
W. N. Stevens,  
Stewart,  
Stoddard,  
Strong,  
Taylor,  
Tibbits,  
Toll,  
Wade,  
Warner,  
Waterbury,  
Wheeler,  
T. M. Wilson,  
J. B. Wilson,  
Winans,  
Woodman,  
Woodward,  
Speaker,

68

## NAYS.

0

The bill was then referred to the committee on engrossment and enrollment.

## MOTIONS, RESOLUTIONS AND NOTICES.

Mr. Gilbert moved to take from the table the following Senate concurrent resolution :

*Resolved*, (the House concurring,) That the joint committee on



the investigation of the Treasury, be authorized and required to make a full examination of all matters touching the letting of contracts for repairs upon the Sault St. Mary's Canal, and they be authorized to send for persons and papers ;

Which motion prevailed.

On motion of Mr. Cutcheon,

The resolution was concurred in.

Mr. Woodman gave notice that on some future day he would ask leave to introduce

A bill to amend section sixty-four, of chapter two hundred and two of compiled laws.

Mr. Rankin gave notice that on some future day he would ask leave to introduce

A bill to amend act No. 257, of session laws of 1859, being an act authorizing the commissioners of highways of townships, to establish water courses and locate ditches in certain cases.

Mr. Moore gave notice that he would, on some future day, ask leave to introduce

A bill to repeal subdivision 15, of section 11, of chapter 10 of compiled laws ;

Also,

A bill to amend section 21, paragraph 1043, of the compiled laws.

Mr. Fallass gave notice that on some future day he would ask leave to introduce a bill.

Mr. Douglas gave notice that on some future day he would ask leave to introduce

A bill to grant certain swamp lands in aid of the construction of certain roads in the Upper Peninsula.

Mr. Ramsdell gave notice that on some future day he would ask leave to introduce

A bill to authorize Walter Crane, receiver of the estate of J. W. Duncan & Co., to build a dam across the Cheboygan river, and repealing acts No. 74 and 97 of the session laws of 1846 and 1848.



Mr. Phelps gave notice that on some future day he would ask leave to introduce

A bill to amend chapter one hundred and fifty-four, of the compiled laws, being the lien of mechanics and others.

Mr. Cooley gave notice that on some future day he would ask leave to introduce

A bill to repeal act No. 244, of the session laws of 1859, and to amend section 345, of the compiled laws, in relation to the powers and duties of the boards of supervisors of the several counties.

Mr. Pringle introduced the following :

*Resolved*, That the firemen of this House be and they are hereby instructed to deposit in the post office all documents and other mail matter delivered in front of the clerk's desk by members of this House, without unnecessary delay.

Mr. Alexander moved to amend the resolution by striking out the word "firemen," and insert in lieu thereof the word "messengers;"

Which was accepted by the mover of the resolution.

On motion of Mr. Howell,

The resolution was laid on the table.

Mr. Woodman, previous notice having been given, and leave being granted, introduced

A bill to incorporate the village of Decatur.

The bill was read a first and second time by its title, and referred to the committee on banks and incorporations.

Mr. Lockwood, unanimous consent being given, introduced

A bill to reduce the capital stock of the president, directors and company of the Peninsular bank.

The bill was read a first and second time by its title, and referred to the committee on banks and incorporations.

Mr. Henderson, unanimous consent being given, introduced

A bill providing for the relief of persons observing the seventh day of the week as the Sabbath, from the service of process.



The bill was read a first and second time by its title, and referred to the judiciary committee.

THIRD READING OF BILLS AND JOINT RESOLUTIONS.

House bill, entitled

A bill to amend sections 8, 16 and 18, of chapter 94, of the revised statutes of 1846, the same being chapter 118, of compiled laws,

Was read a third time and passed, a majority of all the members elect voting therefor, by yeas and nays, as follows :

YEAS.

Mr. Adams,	Mr. N. K. Green,	Mr. Ramsdell,
Alexander,	Hadley,	Rankin,
Beamer,	Haire,	Read,
Blakeslee,	Hemingway,	Sessions,
Brownell,	Hill,	Shank,
Chase,	Hodges,	Shanahan,
Cook,	Hood,	W. N. Stevens,
Cox,	Howell,	Stewart,
Crego,	Hurd,	Stoddard,
Cutcheon,	Joy,	Strong,
A. W. Davis,	Kelsey,	Tibbits,
C. Davis,	Leetch,	Toll,
Ira Davis,	Lockwood,	Wade,
Douglas,	Miller,	Warner,
Fallass,	Moore,	Waterbury,
Follett,	Persons,	Wheeler,
Foote,	Peterson,	T. M. Wilson,
Fowle,	Phelps,	Winans,
Gilbert,	Piper,	Woodman,
Goodrich,	Pratt,	Woodward,
Gregory,	Pringle,	Speaker,
A. L. Green,		

64

NAYS.

Mr. Atwood,	Mr. Cooley,	2
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The question being upon agreeing to the title,

Mr. Pringle moved to amend the same by inserting the word "nine," between the figures "8, 16;"

Which motion prevailed.

The title, as amended, was then agreed to.



## GENERAL ORDER

On motion of Mr. Sessions,

The House went into committee of the whole on the general order,

Mr. Tibbits in the chair.

After some time spent therein, the committee rose, and through the chairman, made the following report :

The committee of the whole have had under consideration the following entitled bill :

A bill to amend section five thousand six hundred and eighty-nine of the compiled laws, relative to the costs of proceedings in criminal cases ;

Have stricken out all after the enacting clause, and have directed their chairman to report that fact to the House, and to recommend its concurrence therein.

J. S. TIBBITS, *Chairman.*

Pending the question of the concurrence of the House in the action of the committee,

On motion of Mr. Pratt,

The House adjourned till 2 o'clock this afternoon.

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AFTERNOON SESSION.

2 o'clock P. M.

House met and was called to order by the Speaker.

Roll called : quorum present.

By unanimous consent, Mr. Pratt asked and obtained leave of absence for Mr. Smith for an indefinite period, on account of sickness.

Mr. Winans asked and obtained leave of absence for himself until Tuesday next.

Mr. Taylor asked and obtained leave of absence for himself for an indefinite time, on account of sickness.

The Speaker announced the business before the House to be upon concurring in the action of the committee of the whole, upon a bill, entitled



A bill to amend section 5689, of the compiled laws, relative to the costs of proceedings in criminal cases,

The committee having stricken out all after the enacting clause.

Mr. Howell demanded the yeas and nays.

The demand was seconded, and the motion to concur prevailed, by yeas and nays, as follows :

#### YEAS.

Mr. Adams,	Mr. Gregory,	Mr. Pringle,
Baker,	A. L. Green,	Rankin,
Brownell,	N. K. Green,	Read,
Chapoton,	Hadley,	Sessions,
Cox,	Haire,	Shanahan,
Crego,	Henderson,	W. N. Stevens,
Cutcheon,	Hurd,	Toll,
C. Davis,	Kanouse,	Wade,
Douglas,	Lockwood,	Waterbury,
Fallass,	Miller,	J. B. Wilson,
Follett,	Moore,	Winans,
Foote,	Persons,	Woodman,
Gilbert,	Piper,	

38

#### NAYS.

Mr. Alexander,	Mr. Hill,	Mr. Stewart,
Beamer,	Hodges,	Stoddard,
Blakeslee,	Hood,	Strong,
Chase,	Howell,	Taylor,
Cook,	Kelsey,	Tibbits,
Cooley,	Leetch,	Warner,
Ira Davis,	Peterson,	Wheeler,
Fowle,	Phelps,	T. M. Wilson,
Goodrich,	Pratt,	Woodward,
Hemingway,	Ramsdell,	Speaker,

39

On motion of Mr. Howell,

The enacting clause of the bill was laid on the table.

#### SPECIAL ORDER.

On motion of Mr. Lockwood,

The House went into committee of the whole on the special order,

Mr. Read in the chair.



After some time spent therein, the committee rose, and, through the chairman, made the following report :

The committee of the whole have had under consideration the following entitled bill :

A bill to amend certain sections of an act entitled an act to establish a House of Correction for juvenile offenders, approved February 10th, 1855, as amended by an act entitled an act to amend certain sections of an act entitled an act to establish a House of Correction for juvenile offenders, approved February ninth, eighteen hundred and fifty-five, approved February 10th, 1857, and to amend section two of said last mentioned act;

Have made an amendment thereto, and have directed their chairman to report the same back to the House, asking concurrence therein, and ask to be discharged.

G. E. READ, *Chairman.*

Report accepted and committee discharged.

The amendment made by the committee was concurred in.

On motion of Mr. Lockwood,

The bill was recommitted to the committee on judiciary.

MESSAGE FROM THE SENATE.

By unanimous consent, the Speaker announced the following:

SENATE CHAMBER,  
*Lansing, February 1, 1861.* }

*To the Speaker of the House of Representatives:*

SIR:—I am instructed to return to the House the following entitled bill:

A bill to extend the time for the collection of taxes in the county of Wayne ;

In the passage of which the Senate has concurred by a majority vote of all the Senators elect, and has ordered the same to take immediate effect by a vote of two-thirds of all the Senators elect.

Very respectfully,

A. B. TURNER,  
*Secretary of the Senate.*



The Speaker announced that the Senate, in a previous communication, had returned the bill, since which time it had been in possession of the House, being upon the table.

Mr. Lockwood moved to take the bill from the table ;

Which motion prevailed.

Mr. Cooley moved that the vote by which the House refused to order the bill to take immediate effect, be reconsidered.

Mr. Pringle rose to a point of order—the member having voted in favor of ordering the bill to take immediate effect, thereby being in the minority, would not be entitled to make such motion.

The Speaker decided the point well taken.

Mr. Tibbits moved that the further consideration of the subject be indefinitely postponed ;

Which motion did not prevail.

Mr. Blakeslee moved that the vote whereby the House refused to order the bill to take immediate effect, be reconsidered ;

Which motion prevailed.

The question recurring upon the motion to order the bill to take immediate effect,

Mr. Shank demanded the yeas and nays ;

The demand was seconded, and the motion did not prevail, two-thirds of all the members elect not voting therefor, by yeas and nays, as follows :

#### YEAS.

Mr. Adams,  
Atwood,  
Brownell,  
Chapoton,  
Cooley,  
Crego,  
Gutcheon,  
C. Davis,  
Douglas,  
Fallass,  
Foote,  
Gilbert,

Mr. Goodrich,  
A. L. Green,  
N. K. Green,  
Hadley,  
Hemingway,  
Hill,  
Joy,  
Kelsey,  
Lockwood,  
Persons,  
Peterson,  
Phelps,

Mr. Piper,  
Ramsdell,  
Rankin,  
Sessions,  
Shank,  
Stoddard,  
Toll,  
Warner,  
T. M. Wilson,  
J. B. Wilson,  
Woodward,  
Speaker, 36



## NAYS.

Mr. Baker,	Mr. Henderson,	Mr. Pringle,
Beamer,	Hodges,	Read,
Blakeslee,	Hood,	Shanahan,
Chase,	Howell,	W. N. Stevens,
Cook,	Hurd,	Stewart,
Cox,	Kanouse,	Strong,
Ira Davis,	Leetch,	Tibbits,
Follett,	Miller,	Waterbury,
Fowle,	Moore,	Wheeler,
Gregory,	Pratt,	Winans,
Haire,		

31

Mr. Howell then offered the following:

*Resolved*, That the Clerk be requested respectfully to inform the Senate that the bill, entitled

A bill to extend the time for the collection of taxes in the county of Wayne,

Was officially in the possession of the House at the time of the passage of the same by the Senate ;

Which was adopted.

Mr. Joy asked and obtained leave of absence for himself until Tuesday next.

On motion of Mr. Kelsey,

The House adjourned till to-morrow morning at 10 o'clock.

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*Lansing, Saturday, February 2, 1861.*

House met pursuant to adjournment, and was called to order by the Speaker.

Prayer by Rev. Mr. Gillet.

Roll called : quorum present.

Absent without leave at roll call, Messrs. Chapoton, A. W. Davis, Hadley, J. B. Wilson, Woodward.

Mr. Rankin asked and obtained leave of absence for Mr. A. W. Davis for an indefinite time, on account of sickness.

Mr. Miller asked and obtained leave of absence for Mr. Woodward.

Mr. Ira Davis asked and obtained leave of absence for Mr. Chapoton for an indefinite time, on account of sickness.



Mr. Hill asked and obtained leave of absence for Mr. J. B. Wilson until Tuesday next.

Mr. Howell moved that the House adjourn till Monday morning at 10 o'clock.

Mr. Hill demanded the yeas and nays.

The demand was seconded, and the motion to adjourn did not prevail, by yeas and nays, as follows :

## YEAS.

Mr. Leetch,

1

## NAYS.

Mr. Adams,  
Alexander,  
Atwood,  
Baker,  
Beamer,  
Blakeslee,  
Brownell,  
Chase,  
Cook,  
Cooley,  
Cox,  
Crego,  
Cutcheon,  
C. Davis,  
Ira Davis,  
Fallass,  
Follett,  
Foote,  
Fowle,  
Gilbert,

Mr. Goodrich,  
Gregory,  
A. L. Green,  
N. K. Green,  
Haire,  
Henderson,  
Hemingway,  
Hill,  
Hodges,  
Howell,  
Hurd,  
Kanouse,  
Kelsey,  
Lockwood,  
Miller,  
Persons,  
Peterson,  
Phelps,  
Piper,  
Pratt,

Mr. Pringle,  
Ramsdell,  
Read,  
Sessions,  
Shank,  
Shanahan,  
W. N. Stevens,  
A. Stevens,  
Stewart,  
Stoddard,  
Strong,  
Tibbits,  
Toll,  
Wade,  
Warner,  
Waterbury,  
T. M. Wilson,  
Woodman,  
Speaker,

59

Mr. Cooley asked and obtained leave of absence for Mr. Hadley until Tuesday next.

Mr. C. Davis asked and obtained leave of absence for himself until Tuesday next.

## PETITIONS PRESENTED.

By Mr. Cutcheon: petition of E. C. Seaman, James Kingsley, W. S. Maynard, Geo. D. Hill and 120 others, citizens of Ann Arbor, for the re-organization of the University of Michigan ;

Referred to the committee on the judiciary.

By Mr. Follett: remonstrance of Octavius Skey and 44 oth



ers, against detaching the township of Pierson from Montcalm county ;

Referred to the committee on towns and counties.

By Mr. Pringle : petition of Anson Townly, D. R. Palmer, Henry Lang, and 32 others, for an amendment of the law to relieve observers of the seventh day from the necessity of defending suits in violation of their consciences ;

Referred to the committee on judiciary.

By Mr. Gilbert : remonstrance of R. C. Luce and 57 others, citizens of Grand Rapids, against the passage of any act extending the time for the completion of the Grand Rapids and Indiana railroad.

On motion of Mr. Howell,

The petition was referred to the committee on internal improvements.

By Mr. Goodrich : petition of Samuel Chadwick and 52 others, for the appropriation of the non-resident tax on a certain road therein named, and for the appropriation of certain swamp lands named therein ;

Referred to the committee on public lands. •

By Mr. Woodman : petition of E. J. House and 200 others, praying for an appropriation of the proceeds of swamp lands for the improvement of the State road between the village of Paw Paw, in Van Buren county, and the village of Allegan, in Allegan county ;

Referred to the committee on public lands.

By Mr. Stoddard : petition of Edwin G. Doud and 54 others, praying that they may be relieved from the provisions of act No. 27, of the session laws of 1858 ;

Referred to the committee on roads and bridges.

By Mr. Stewart : petition of Charles L. Miller and 50 others, praying for an act to relieve observers of the seventh day as the Sabbath, from being annoyed by suits at law returnable on that day ;

Referred to the committee on judiciary.



By Mr. Shank: petition of A. C. Dutton and others, asking for a registry law;

Referred to the committee on judiciary.

Also, petition of A. C. Dutton and others, asking for a law providing for a county superintendent of schools ;

Referred to the committee on education.

By Mr. A. Stevens : memorial of Wm. R. McCormick and Albert Miller, proprietors of "Daglish's Division" of Portsmouth, Bay county, asking that the plat made by Wm. Daglish, in 1856, be approved so as to make it the basis of taxation hereafter ;

Referred to the committee on incorporations.

#### REPORTS OF STANDING COMMITTEES.

By the committee on roads and bridges:

The committee on roads and bridges, to whom was referred the petition of B. W. Warren and others, asking for the appropriation of certain non-resident highway taxes on the Battle Creek and Lansing State road, and sundry remonstrances against the same ;

Have had the subject under consideration, and in view of the length of time the above named roads have had the benefits of the non-resident highway taxes which are now asked for, and the complaints in behalf of those roads which would otherwise have been improved thereby, and believing that the towns through which said road passes should resort to their township treasuries, or some other source, for the repairs of the same, have instructed me to report adverse to the prayer of the petitioners, and ask to be discharged from the further consideration of the subject.

N. K. GREEN, *Chairman.*

Report accepted and committee discharged.

By the judiciary committee :

The committee on the judiciary, to whom was referred Senate bill No. 21, being

A bill to authorize the supreme court to appoint a crier,

Respectfully report that they have had the same under con-



sideration, report it back with the recommendation that it do pass, and ask to be discharged from the further consideration of the subject.

THOS. W. LOCKWOOD, *Chairman.*

Report accepted and committee discharged.

The bill was referred to the committee of the whole and placed on the general order.

By the judiciary committee:

The committee on the judiciary to whom was referred

A bill to provide for payment of fees of judges of probate in certain cases,

Respectfully report that they have had the said bill under consideration, return the same to the House, recommend that it do not pass, and ask to be discharged from the further consideration of the same.

THOS. W. LOCKWOOD, *Chairman.*

Report accepted and committee discharged.

On motion of Mr. Fallass,

The bill was indefinitely postponed.

By the judiciary committee :

The committee on the judiciary, to whom was referred the petition of Wm. Dougherty and other citizens of Berrien county, praying for the repeal of so much of act 198, of the session laws of 1859, as relates to Berrien county,

Respectfully report that they have had the said petition under consideration, and that the petitioners present no special reasons whatever on account of which their prayer should be granted. The committee therefore recommend that the prayer of the petitioners be not granted, and ask to be discharged from the further consideration of the subject.

THOS. W. LOCKWOOD, *Chairman.*

Report accepted and committee discharged.

By the majority of the committee on the judiciary :

The majority of the committee on the judiciary, to whom was referred sundry petitions asking for such an amendment of the



prohibitory liquor law as would restore the former prohibitions of domestic wines, and ale and beer, have had the same under consideration and would respectfully report:

That according to the experience and observation of the majority of your committee, and the testimony they have gathered from the sources within their reach, the prohibitory liquor law has been both observed and enforced to a much greater extent since the amendment of 1857, by which the wine and beer clause was stricken out, than for the two years prior to that time that the law was in force.

A very large class of every community will have and use some beverage, more or less of a stimulating character, and have so done in all ages of the world, and among all nations; and where there are consumers, there will be venders, in spite of all law to the contrary, especially where the law is considered of an ultra and tyrannical character, as was this law in its original form.

If the law permits the manufacture and sale of domestic wines and beer, very many will on that account prefer the use of those articles to the use of the vile compounds usually sold under various names as ardent spirits. And experience in this and other countries has abundantly shown that where beer and domestic wines are the common beverage of the people, the tendency is to bring ardent spirits into disuse, and that whenever the people are, from any cause, deprived of their milder and more wholesome drinks, the more injurious ardent liquors are proportionably substituted. Such, we believe, would be the consequence of the proposed change at this time.

The majority of your committee are not able to discover any propriety in a law which prohibits the fruit-grower from expressing the juice of his crop, for his own use as a drink, or for sale to his neighbors, and the validity of such a law may well be doubted.

Since, too, the law was amended, and the manufacture and sale of wines and beer legalized, capital has been invested in



various parts of the State in this business, to the extent of many hundreds of thousands of dollars, which the proposed change would at once render valueless, if the law is to be enforced.

We submit that the State should not in justice take this step, without at the same time providing for compensating owners for their property, which we do not believe it is prepared to do.

Much bitterness of feeling, even to the extent of open defiance, is always aroused when extreme measures are sought, by moral reformers, to be enacted as laws, and we do not believe that the end the petitioners seem to desire can be reached by such a course. We do believe that religious, moral and social influences can do far more.

Holding these views, we cannot consistently recommend that the prayer of the petitioners be granted.

THOS. W. LOCKWOOD, *Chairman.*

Report accepted.

On motion of Mr. Howell,

The report was laid on the table, and leave granted the minority of the committee to report.

#### MESSAGES FROM THE SENATE.

The Speaker announced the following:

SENATE CHAMBER,  
Lansing, February 1, 1861. }

*To the Speaker of the House of Representatives:*

SIR:—I am instructed by the Senate to transmit the following entitled bill:

A bill to provide for the signing of decrees, records, and journals of courts of record,

Which has passed the Senate by a majority vote of all the Senators elect, and by a vote of two-thirds of all the Senators elect, been ordered to take immediate effect, and in all of which the concurrence of the House is respectfully asked.

Very respectfully,

A. B. TURNER,

*Secretary of the Senate.*



The bill was read a first and second time by its title, and referred to the committee on judiciary.

Also the following:

SENATE CHAMBER,  
Lansing, February 1, 1861. }

*To the Speaker of the House of Representatives:*

SIR:—I am instructed by the Senate to transmit the following entitled bills:

A bill to facilitate trials and other proceedings by jury;

A bill compelling mining companies in the Upper Peninsula of Michigan to file with the county treasurer of the county in which they are doing business, a list of their stockholders, and the amount of the indebtedness of the companies;

Which have passed the Senate by a majority vote of all the Senators elect, and in which the concurrence of the House is respectfully asked.

Very respectfully,

A. B. TURNER,

*Secretary of the Senate.*

The first named bill was read a first and second time by its title, and referred to the committee on judiciary.

The second named bill was read a first and second time by its title, and referred to the committee on mines and minerals.

Also the following:

SENATE CHAMBER,  
Lansing, February 1, 1861. }

*To the Speaker of the House of Representatives:*

SIR:—I am instructed to return to the House the following entitled bill:

A bill to change the name of the Algerville and Grand Blanc plank road company, to the name of Grand Blanc and Holly plank road company,

Which has been amended by the Senate by adding a new section thereto, as follows:

Section 2. All dues, demands, contracts and liabilities of the Algerville and Grand Blanc plank road company, shall be and remain in force against the Grand Blanc and Holly plank road



company, in like manner, as when originally incurred by the said company under another name, and designation; and all suits and proceedings of whatever name and nature, wherein the said plank road company is concerned, shall continue, and the name "Grand Blanc and Holly Plank Road Company" shall be used therein, and said Grand Blanc and Holly plank road company shall be bound in like manner as if originally named in said suits and proceedings ;

In the passage of which, as thus amended, the Senate has concurred by a majority vote of all the Senators elect.

Very respectfully,

A. B. TURNER,

*Secretary of the Senate.*

Mr. Pringle moved that the House concur in the amendment of the Senate ;

Which motion prevailed, by yeas and nays, as follows:

YEAS.

Mr. Adams,	Mr. Haire,	Mr. Ramsdell,
Alexander,	Henderson,	Rankin,
Atwood,	Hemingway,	Reed,
Beamer,	Hill,	Sessions,
Blakeslee,	Hodges,	Shank,
Brownell,	Hood,	Shanahan,
Cook,	Howell,	W. N. Stevens,
Cox,	Hurd,	A. Stevens,
Crego,	Kanouse,	Stewart,
Cutcheon,	Kelsey,	Stoddard,
Ira Davis,	Leetch,	Strong,
Douglas,	Lockwood,	Tibbits,
Fallase,	Moore,	Toll,
Follett,	Persons,	Wade,
Foots,	Peterson,	Waterbury,
Fowle,	Phelps,	T. M. Wilson,
Gilbert,	Piper,	Woodman,
Goodrich,	Pratt,	Speaker,
A. L. Green,	Pringle,	

56

NAYS.

The bill was then referred to the committee on engrossment and enrollment.



## MOTIONS, RESOLUTIONS AND NOTICES.

Mr. Cutcheon, unanimous consent being given, introduced

A bill to provide for the organization and government of the University of Michigan.

The bill was read a first and second time by its title, and referred to the committee on the judiciary.

Mr. Ramsdell, previous notice having been given, and leave being granted, introduced

A bill to authorize Walter Crane, receiver of the estate of J. W. Duncan & Co., to build a dam across the Cheboygan river, and repealing acts No. 74 and 97, of the session laws of 1846 and 1848.

The bill was read a first and second time by its title, and referred to the committee on rivers and harbors.

Mr. Howell, unanimous consent being given, introduced

A bill authorizing the Flint and Pere Marquette railway company to extend its road from Flint to the Detroit and Milwaukee railroad.

The bill was read a first and second time by its title, and referred to the committee on internal improvements.

Mr. Ramsdell, previous notice having been given, and leave being granted, introduced

A bill to repeal an act entitled an act to amend an act entitled an act to re-organize the county of Emmett, approved February 8, 1858.

The bill was read a first and second time by its title, and referred to the committee on the judiciary.

Mr. Tibbits gave notice that on some future day he would ask leave to introduce

A bill to confer upon justices of the peace jurisdiction in case of forcible entry and detainer, and forcible detainer only.

Mr. Hurd gave notice that on some future day he would ask leave to introduce

A bill to authorize Thomas Moseley to make conveyances, and close up the business of the Union City Iron company, in the county of Branch.



Mr. Read asked and obtained leave to withdraw the petition praying for the repeal of the charter of the Kalamazoo and Three Rivers plank road company.

On motion of Mr. Pringle,

Leave was granted to withdraw the petition.

Mr. Tibbits offered the following :

*Resolved*, That the committees on State Prison, Asylum for Deaf, Dumb and Blind, and State Reform School, be requested to report to this House at their earliest convenience, the condition of said Institutions, and such other information respecting the same as may be of importance to this House ;

Which was adopted.

The chairman of the committee on judiciary asked and obtained the unanimous consent of the House to make the following report;

The committee on the judiciary, to whom was referred  
A bill to provide for the re-organization and government of the University of Michigan,

Respectfully report that they have had the said bill under consideration, return the same to the House without recommendation, except that it be printed, and ask to be discharged.

THOS. W. LOCKWOOD, *Chairman*.

Report accepted and committee discharged.

The bill was ordered printed, referred to the committee of the whole, and placed on the general order.

By the committee on engrossment and enrollment :

The committee on engrossment and enrollment report as correctly enrolled, signed and presented to the Governor, the following joint resolution:

Joint resolution on the state of the Union;

Also, the following bills:

A bill to authorize the trustees of the First Methodist Episcopal Church of Lansing to convey to the Central Methodist Episcopal Church of Lansing, lot No. 6, in block No. 96, in the city of Lansing;

Also,



A bill to confirm deeds and instruments intended for the conveyance of real estate in certain cases;

Also,

A bill to amend sections 9 and 34, of chapter 128, of the compiled laws, relative to the selection and return of jurors.

A. L. GREEN, *Chairman*.

Report accepted.

Mr. Pratt gave notice that on some future day he would ask leave to introduce

A bill to amend sections 190 and 211, of chapter 117, of the compiled laws.

Mr. Phelps, unanimous consent being given, introduced

A joint resolution on the state of the Union.

The joint resolution was read a first and second time by its title.

Mr. Phelps moved that the joint resolution be committed to a select committee of five.

Mr. Howell called for the reading of the joint resolution.

The Clerk having read the same,

Mr. Howell rose to a point of order—that the House had no knowledge concerning the matters referred to in the joint resolution, no communication from Virginia having been transmitted to the House.

The Speaker decided the point not well taken.

The question recurring upon the motion to refer the joint resolution to a select committee of five,

Mr. Howell moved that the resolution be indefinitely postponed, and demanded the yeas and nays.

The demand was seconded.

Mr. Howell moved the previous question ;

Which motion prevailed, and the main question was ordered.

The main question was then put, and the motion prevailed, by yeas and nays, as follows :

YEAS.

Mr. Adams,  
Alexander,  
Baker,

Mr. N. K. Green,  
Henderson,  
Hemingway,

Mr. Pratt,  
Pringle,  
Ramsdell,



Blakelee,	Hill,	Rankin,
Brownell,	Hodges,	Read,
Chase,	Howell,	Sessions,
Crego,	Hurd,	Shanahan,
Cutcheon,	Kanouse,	W. N. Stevens,
Fallass,	Kelsey,	Tibbits,
Follett,	Miller,	Wade,
Footte,	Moore,	Waterbury,
Fowle,	Persons,	Wheeler,
Goodrich,	Peterson,	Woodman,
A. L. Green,	Piper,	

41:

## NAYS.

Mr. Atwood,	Mr. Haire,	Mr. Stewart,
Beamer,	Hood,	Stoddard,
Cook,	Leetch,	Strong,
Cooley,	Lockwood,	Toll,
Ira Davis,	Phelps,	Warner,
Douglas,	Shank,	T. M. Wilson,
Gilbert,	A. Stevens,	Speaker,
Gregory,		

22

Mr. Ramsdell moved that the vote by which the House voted to indefinitely postpone be reconsidered;

Pending which,

The House took a recess until 2 o'clock this afternoon.

## AFTERNOON SESSION.

2 o'clock P. M.

The House met, and was called to order by the Speaker.

Roll called : quorum present.

The Speaker announced that the question before the House was upon the motion to reconsider the vote by which the joint resolution, entitled

Joint resolution on the state of the Union,

Was indefinitely postponed.

Mr. Tibbits moved to lay the motion to reconsider on the table, and demanded the yeas and nays;

The demand was seconded, and the motion prevailed, by yeas and nays, as follows:



## YEAS.

Mr. Adams,	Mr. N. K. Green,	Mr. Ramsdell,
Blakelee,	Henderson,	Rankin,
Cox,	Hodges,	Read,
Crego,	Hood,	Sessions,
Cutcheon,	Howell,	Shank,
A. W. Davis,	Hurd,	Shanahan,
Fallass,	Miller,	W. N. Stevens,
Follett,	Moore,	Tibbits,
Foote,	Persons,	Waterbury,
Fowle,	Peterson,	Wheeler,
Goodrich,	Piper,	Speaker,
A. L. Green,	Pringle,	

35

## NAYS.

Mr. Alexander,	Mr. Gilbert,	Mr. Phelps,
Baker,	Gregory,	Pratt,
Beamer,	Haire,	A. Stevens,
Brownell,	Hemingway,	Stoddard,
Chase,	Hill,	Strong,
Cook,	Kanouse,	Toll,
Cooley,	Kelsey,	T. M. Wilson,
Ira Davis,	Leetch,	Woodman,
Douglas,	Lockwood,	

26

On motion of Mr. Ramsdell,

The House adjourned till next Monday morning at 10 o'clock.

*Lansing, Monday, February 4, 1861.*

House met pursuant to adjournment, and was called to order by the Speaker.

Prayer by Rev. Mr. McLeod.

Roll called : quorum present.

Absent at roll call without leave, Mr. Hemingway.

Mr. A. Stevens asked and obtained leave of absence for Mr. Hemingway for an indefinite time, on account of sickness.

## PETITIONS PRESENTED.

By Mr. Alexander : petition of J. D. Ross, and 53 other citizens of Berrien county, asking an amendment of the constitution so as to enable the Legislature to establish a banking law similar to that of Ohio and Indiana ;



Referred to the committee on banks and incorporations.

By Mr. Hurd : petition of E. A. Hayden, and other citizens of Calhoun county, praying for a relief from civil process made returnable on the seventh day of the week ;

Referred to the judiciary committee.

By Mr. Lockwood : petition of 27 citizens of Ann Arbor, for an amendment of the constitution so as to enable the Legislature to establish a banking law similar to that of Ohio and Indiana ;

Referred to the committee on banks and incorporations.

#### REPORTS OF STANDING COMMITTEES.

By the judiciary committee :

The committee on the judiciary, to whom was referred a petition asking for the enactment of a law giving lumbermen a lien on logs and lumber for their personal services,

Respectfully report that they have had the same under consideration, and report herewith a bill, entitled

A bill giving to lumbermen a lien on logs and lumber for their personal services,

Without recommendation, and ask to be discharged.

W. T. HOWELL, *for the Committee.*

Report accepted and committee discharged.

The bill was read a first and second time by its title, ordered printed, referred to the committee of the whole, and placed on the general order.

By the committee on geological survey :

The committee on geological survey, to whom was referred so much of the Governor's message as pertains to that subject, and also Senate bill No. 41, entitled

A bill to provide for the continuance of the State geological survey,

Have had the same under consideration, and ask leave to submit the following report : In the opinion of the committee, the Geological Survey should be prosecuted to completion, as rapidly as the finances of the State will allow. In no other way :



and the great natural resources of the State be made known. The discontinuance of the survey at this time, would be a matter of much regret to scientific men, as well as friends of our State everywhere. It is believed by the committee, that no appropriation would prove more profitable to the State than the small one proposed for the prosecution of the work so well begun.

The report of the State Geologist for the past two years, has been prepared with great care, and presents the results of the survey with clearness. It contains much valuable information, which should be possessed by every citizen of our own State, as well as by those emigrating westward. It is believed that an extensive circulation of the report will attract increased emigration into Michigan.

As a large appropriation cannot well be made at the present time, the committee recommend the temporary discontinuance of the botanical and zoological departments of the survey, in order that the geological department may be prosecuted with greater vigor.

In conformity with these views, the committee report back the bill referred to them with an amendment thereto, and recommend that, when thus amended, it do pass.

They also recommend the printing of a large edition of the Geologist's report for general distribution.

Respectfully submitted.

S. M. CUTCHEON, *Chairman.*

Report accepted and committee discharged.

On motion of Mr. Sessions,

The House concurred in the amendment made by the committee.

The bill was referred to the committee of the whole, and placed on the general order.

By the judiciary committee:

The committee on the judiciary, to whom was referred two petitions for the removal of Hon. W. F. Woodworth, judge of the 10th judicial circuit,



Respectfully report that they have had the same under consideration, return them to the House without action, and ask to be discharged from the further consideration of the subject.

THOS. W. LOCKWOOD, *Chairman.*

Report accepted and committee discharged, and leave granted to withdraw the petitions.

By the committee on banks and incorporations :

The committee on banks and incorporations, to whom was referred

Senate bill No. 12, entitled

A bill to amend section 2033 of the compiled laws, relative to gifts and bequests to religious societies,

Have had the same under consideration, and a majority have instructed their chairman to report that in their opinion the general interests of society do not require the amendment sought by this bill, and hence they return the same to the House with the recommendation that it do not pass, and ask to be discharged from the further consideration thereof.

EUGENE PRINGLE, *Chairman.*

Report accepted and committee discharged.

On motion of Mr. Ramsdell,

The bill was laid on the table.

By the committee on roads and bridges :

The committee on roads and bridges, to whom was referred the petition of D. L. Case and 183 others, freeholders of Ingham, Clinton and Shiawassee counties, asking that three commissioners be appointed and empowered to lay out and establish certain portions of a State road from Lansing, in Ingham county, to Flint, in Genesee county, have had the same under consideration, and instructed me to report the following entitled bill :

A bill to provide for laying out and establishing a State road from Lansing, in Ingham county, to Flint, in Genesee county,

And recommend its passage, and ask to be discharged from its further consideration.

N. K. GREEN, *Chairman.*



Report accepted and committee discharged.  
The bill was read a first and second time by its title, ordered printed, referred to the committee of the whole, and placed on the general order.

## MESSAGE FROM THE SENATE.

The Speaker announced the following :

SENATE CHAMBER,  
*Lansing, February 4, 1861.* }

*To the Speaker of the House of Representatives :*

SIR :—I am instructed to transmit to the House the following entitled bills :

A bill to amend an act entitled an act disposing of certain grants of land made to the State of Michigan, for railroad purposes, by act of Congress, approved June 3, 1856, approved February 14, 1857;

Also,

A bill to authorize the trustees of the Central Methodist Episcopal Church of Lansing to borrow money and secure the payment thereof by mortgage on lot number 6, in block number 96, in the city of Lansing;

Which have passed the Senate by a majority vote of all the Senators elect, and in which the concurrence of the House is respectfully asked.

Very respectfully,

A. B. TURNER,

*Secretary of the Senate.*

The first named bill was read a first and second time by its title, and referred to the committee on public lands.

The second named bill was read a first and second time by its title, and referred to the committee on banks and incorporations.

## MOTIONS, RESOLUTIONS AND NOTICES.

Mr. Sessions offered the following:

*Resolved*, That the use of this hall be granted to the Misses Rogers, on Friday evening next, for an exhibition of the junior class of the Michigan Female College.



Which was adopted.

Mr. Lockwood gave notice that on some future day he would ask leave to introduce

A bill to provide for the formation of gymnastic associations.

Mr. Cutcheon offered the following:

*Resolved*, That the use of this hall be granted to the Rev. Mr. Perrine, on Thursday evening next, for the exhibition of his Panorama of the Holy Land.

Which was adopted.

Mr. Cook gave notice that on some future day he would ask leave to introduce

A bill relating to wills.

Mr. Persons gave notice that on some future day he would ask leave to introduce

A bill to change the name of the town of Fremont, in Alpena county, to that of Alpena.

Mr. Rankin gave notice that on some future day he would ask leave to introduce

A bill to amend the charter of the city of Flint.

Mr. Ramsdell gave notice that on some future day he would ask leave to introduce

A bill to establish the county seat of Mason county.

Mr. Shank gave notice that on some future day he would ask leave to introduce

A bill to amend act No. 56, of the session laws of 1859.

Mr. Pratt gave notice that on some future day would ask leave to introduce

A bill to provide for increasing the State library.

Mr. A. Stevens gave notice that on some future day he would ask leave to introduce

A bill for a State road leading from Tawas, in Iosco county, to Traverse City, in Grand Traverse county, and providing for an appropriation of swamp land for the same.

Mr. Follett, unanimous consent being given, introduced

A bill to amend an act entitled an act to organize the county



of Mebosta, and to locate the county seat thereof, approved February 11, 1859.

The bill was read a first and second time by its title, and referred to the committee on towns and counties.

Mr. Hurd, previous notice having been given, and leave being granted, introduced

A bill to authorize Thomas Moseley to make conveyances of real estate, and close up the business of the Union City Iron Company, in the county of Branch.

The bill was read a first and second time by its title, and referred to the committee on banks and incorporations.

Mr. Woodman, previous notice having been given, and leave being granted, introduced

A bill to amend section 64, of chapter 172, of the revised statutes of 1846, the same being section 6220, of the compiled laws.

The bill was read a first and second time by its title, and referred to the committee on the judiciary.

Mr. Moore, previous notice having been given, and leave being granted, introduced

A bill to amend section 21, (paragraph 1043,) of chapter 21, of compiled laws.

The bill was read a first and second time by its title, and referred to the committee on roads and bridges.

Mr. Moore, previous notice having been given, and leave being granted, introduced

A bill to repeal subdivision 15, of section 11, of chapter 10, of compiled laws.

The bill was read a first and second time by its title, and referred to the committee on roads and bridges.

Mr. A. Stevens, previous notice having been given, and leave being granted, introduced

A bill to authorize certain highways to be laid out less than four rods wide.

The bill was read a first and second time by its title, and referred to the committee on roads and bridges.



Mr. Cooley, previous notice having been given, and leave being granted, introduced

A bill to repeal act number 244, of the session laws of 1859, and to amend section 245 of the compiled laws, in relation to the powers and duties of the board of supervisors of the several counties.

The bill was read a first and second time by its title, and referred to the committee on roads and bridges.

### THIRD READING OF BILLS AND JOINT RESOLUTIONS.

House bill, entitled

A bill to amend an act entitled an act to establish graded and high schools, approved February 14, 1859, being act No. 161, session laws of 1859,

Was read a third time and passed, a majority of all the members elect voting therefor, by yeas and nays, as follows:

#### YEAS.

Mr. Adams,	Mr. Goodrich,	Mr. Phelps,
Alexander,	Gregory,	Piper,
Baker,	A. L. Green,	Pratt,
Beamer,	N. K. Green,	Pringle,
Blakeslee,	Haire,	Rankin,
Brownell,	Henderson,	Read,
Chase,	Hill,	Sessions,
Cook,	Howell,	Shanahan,
Cooley,	Hurd,	W. N. Stevens,
Crego,	Kanouse,	Stoddard,
Cutcheon,	Kelsey,	Wade,
Ira Davis,	Lockwood,	Warner,
Douglas,	Miller,	Waterbury,
Fallass,	Moore,	T. M. Wilson,
Follett,	Persons,	Woodman,
Powle,	Peterson,	Speaker, 48

#### NAYS.

Mr. Cox,	Mr. Leetch,	Mr. Tibbits,
A. W. Davis,	Stewart,	Toll,
Foots,	Strong,	Wheeler, 10
Gilbert,		

Title agreed to



## GENERAL ORDER.

On motion of Mr. Lockwood,

The House went into committee of the whole on the general order,

Mr. Ramsdell in the chair.

After some time spent therein, the committee rose, and, through the chairman, made the following report :

The committee of the whole have had under consideration the following entitled bill :

A bill to amend chapter 23, of the compiled laws, relative to obstructions and encroachments of highways,

Which the committee report back to the House with a recommendation that it be recommitted to the committee on roads and bridges ;

Also,

A bill to establish and organize the county of Keweenaw, and change the boundaries of Houghton county ;

Have made several amendments thereto, and have directed their chairman to report the same back to the House, asking concurrence therein, and recommend its passage.

T. J. RAMSDELL, *Chairman.*

Report accepted and committee discharged.

The first named bill was recommitted to the committee on roads and bridges.

The amendments to the second named bill were concurred in, and,

On motion of Mr. Warner,

The bill was recommitted to the committee on towns and counties.

On motion of Mr. Kelsey,

The House adjourned till 2 o'clock this afternoon.



## AFTERNOON SESSION.

2 o'clock P. M.

House met, and was called to order by the Speaker.

Roll called : quorum present.

## GENERAL ORDER.

On motion of Mr. Lockwood,

The House went into committee of the whole on the general order,

Mr. Moore in the chair.

After some time spent therein, the committee rose, and through the chairman, made the following report :

The committee of the whole have had under consideration the following entitled bill :

1. A bill to amend sections 1, 2 and 16, of chapter 118, of compiled laws, relative to the jurisdiction of justices in criminal proceedings;

Also,

2. A bill to amend an act to provide for the sale of swamp land, and the reclamation thereof, and to secure the pre-emption claims of settlers thereon, approved February 4, 1858, and an act amendatory thereof approved February 11, 1853, by adding thereto sections 20 and 21;

Have stricken out all after the enacting clause, and have directed their chairman to report that fact to the House, and to recommend its concurrence therein.

The committee of the whole have also had under consideration

3. A bill to amend section 86, of an act entitled an act to amend chapter 93, of the revised statutes of 1846, entitled of courts held by justices of the peace, the same being section 3738 of the compiled laws.

Also,

4. A bill to continue the authority of the Circuit Court Commissioners after the expiration of their term of office, in certain cases;



Have made no amendments thereto, and have directed their chairman to report the same back to the House, asking concurrence therein, and recommend their passage.

The committee of the whole have also had under consideration the following entitled bill :

5. A bill to amend an act entitled an act to provide for the draining and reclamation of swamp lands, by means of State roads and ditches, being act No. 117, of session laws of 1859;

And report the same back to the House, with a recommendation that it be made the special order for Thursday, at two o'clock.

The committee have also had under consideration,

6. A bill in relation to the collection of recognizances in criminal cases ;

Have made an amendment thereto, and have directed their chairman to report the same back to the House, asking concurrence therein, and ask to be discharged.

THOS. F. MOORE, *Chairman.*

Report accepted and committee discharged.

The House concurred in the action of the committee on the first named bill.

Mr. Cutcheon moved that the enacting clause be laid on the table ;

Which motion did not prevail.

On motion of Mr. Howell,

The enacting clause was indefinitely postponed.

The House concurred in the action of the committee on the second named bill.

On motion of Mr. Cutcheon,

The enacting clause was indefinitely postponed.

The third and fourth named bills were placed on the order of third reading.

The recommendations of the committee were concurred in on the fifth named bill, and the bill was made the special order for Thursday afternoon at 2 o'clock.



On motion of Mr. Lockwood,

The sixth named bill was laid on the table.

On motion of Mr. Kelsey,

The House adjourned till to-morrow morning at 10 o'clock

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*Lansing, Tuesday, February 5, 1861.*

House met pursuant to adjournment, and was called to order by the Speaker.

Prayer by Rev. Mr. Meyer.

Roll called : quorum present.

PETITIONS PRESENTED.

By Mr. Sessions : resolutions of the board of directors of the Ionia agricultural society, relative to conferring on certain officers of agricultural societies police powers ;

Referred to the committee on agriculture and manufactures.

By Mr. Howell : petition of J. M. Dodge and 40 others, of Jackson county, praying for the enactment of a stringent usury law ;

Also, petition of D. P. Glazier, Julius Henderson, J. H. Maze and 50 others, of Newaygo county, for the same purpose.

On motion of Mr. Lockwood,

The petitions were laid on the table.

By Mr. Childs : remonstrance of S. D. Van Dusen, Milan Kidder and 70 others, of Washtenaw county, against the repeal of the personal liberty laws ;

Referred to the committee on judiciary.

By Mr. Lockwood : petition of 370 citizens of Detroit, for the repeal of the so-called personal liberty laws ;

Referred to the committee on judiciary.

By Mr. Alexander : petition of H. F. Strong, Dr. J. M. Roe and 52 others, citizens of Berrien county, for a law authorizing the prohibitory liquor law of 1855, in its first section, so as to make it as it was originally enacted ; also for an amendment to the law relative to adulterated liquors, so as to dispense with



inspectors, and make it a penal offense to sell adulterated liquors ;

Referred to the committee on judiciary.

By Mr. Joy: petition of R. N. Rice, Charles H. Hurd, and 200 others, for the repeal of the personal liberty laws;

Also, remonstrance of F. B. Porter and others, against the repeal of the personal liberty laws;

Referred to the committee on judiciary.

By Mr. Kanouse: petition of Mr. Bartholomew and 99 others, of Ingham county, praying for such a revision of the constitution as to allow all citizens to enjoy equal political rights;

Referred to the committee on judiciary.

By Mr. Kanouse: petition of Mr. Hoaglin and 99 others, of the counties of Shiawassee and Livingston, asking for a dog law;

Referred to the committee on agriculture and manufactures.

By Mr. J. B. Wilson: petition of J. B. Deneen and 70 others, of Lapeer county, praying for the construction of a State road from Almont, in Lapeer county, to intersect the Port Huron and Vassar State road, in the county of Sanilac;

Referred to the committee on public lands.

By Mr. Follett: remonstrance of Shaw Shaw Nebees and 51 others, against organizing any new towns in Isabella county;

Referred to the committee on towns and counties.

By Mr. Shank: petition of A. C. Winter and 60 others, asking that the military of this State be put on a war footing, and that 5,000 men be put in readiness for immediate action ;

Referred to the committee on militia.

By Mr. Cooley: petition of John Atherholt and 33 others, for the repeal of the personal liberty laws ;

Referred to the committee on the judiciary.

By Mr. Gilbert: petition of W. D. Roberts and 60 others, praying for the repeal of the so-called personal liberty laws, and for an amendment to the act to prevent kidnapping, passed Feb. 13, 1855 ;

Referred to the judiciary committee.



By Mr. Gilbert: petition of D. W. Evans and 50 others, including 22 of the supervisors of Kent county, praying for an appropriation of certain swamp lands for the purpose of clearing the obstructions from Rouge river and other streams tributary thereto, for the purpose of draining swamp lands ;

Referred to the committee on internal improvements.

By Mr. Taylor: petition of B. Sexton, Wm. Loop and 42 others, asking for a State road, from Muskegon, by way of Cedar Springs and Greenville, to Saginaw river in Saginaw county ;

Referred to the committee on public lands.

By Mr. Taylor: petition of John S. Millain, and 18 others, asking for a State road from Muskegon to Saginaw, and an appropriation of swamp lands therefor ;

Referred to the committee on public lands.

By Mr. J. B. Wilson: petition of Wm. Abbott and 61 others, of Lapeer county, for the construction of a State road from Almont, in Lapeer county, to intersect the Port Huron and Vassar State road, in the county of Sanilac.

Referred to the committee on public lands.

By Mr. Gilbert: petition of Ransom E. Wood and 50 others, for the adoption of a banking law similar to that of the States of Ohio and Indiana.

Referred to the committee on banks and incorporations.

By Mr. Gilbert: petition of Hiram Rathbone and 40 others, praying for the passage of a law providing for the appointment of a county superintendent of public schools ;

Referred to the committee on education.

By Mr. Gilbert: petition of Hon. Geo. Martin, W. D. Foster, Geo. K. Johnson, P. R. L. Pierce, Wm. Hovey, and 120 others, praying that an extension of time be granted to the Grand Rapids and Indiana railroad company, for the construction of its road;

The petition was referred to the committee on public lands.

By Mr. Gregory: remonstrance against the removal from office of Hon. Wilber F. Woodworth, circuit judge of the tenth judicial circuit.

On motion of Mr. Howell,



The remonstrance was ordered printed in the journal.

The following is the remonstrance :

*To the Hon. the Senate and House of Representatives of the State of Michigan :*

*Whereas, Certain petitions are in circulation, addressed to your honorable body, condemnatory of the ability and judicial course of Judge W. F. Woodworth, of the tenth judicial circuit, and reflecting upon his official integrity. Therefore, we, the members of, and practitioners at the Gratiot county bar, and county officers of said county, having full confidence in the ability and integrity of Judge Woodworth, earnestly deprecate any action on the part of your honorable body, tending to his removal from office. And your petitioners will ever pray, &c.*

Moses Tompkins, Jr.,

Gilbert E. Pratt,

Wm. A. Hewitt,

J. Baker,

H. Walbridge,

O. L. Spaulding,

H. Baylis,

Anthony Cook,

R. W. Boynton,

W. C. Winter,

Sidney S. Hastings,

Elijah Peck,

F. B. Webber,

Ralph Ely,

James Gargett,

John A. Crespell,

S. T. Roe,

H. T. Barnesby,

Andrew J. Allen,

W. C. Bockwith.

C. B. Holliday,

#### REPORTS OF STANDING COMMITTEES.

By the committee on banks and incorporations :

The committee on banks and incorporations, to whom was referred the remonstrance of B. S. Gleason and 28 others, against the repeal of the charter of the Kalamazoo and Three Rivers Plank Road Company,

Respectfully report that the subject has been considered, and a report heretofore made adverse to the prayer of certain petitioners, who have had leave to withdraw their petition. The committee, therefore, return said remonstrance to the House, and ask to be discharged.

E. PRINGLE, *Chairman.*



Report accepted and committee discharged.

By the committee on internal improvements :

The committee on internal improvements, to whom was referred

A bill to authorize the Flint & Pere Marquette railroad company to extend its road from Flint to the Detroit & Milwaukee railroad,

Have considered the same, and have instructed their chairman to report the bill back to the House without amendment, and recommend that it do pass, and ask to be discharged from its further consideration.

A. SESSIONS, *Chairman.*

Report accepted and committee discharged.

The bill was ordered printed, referred to the committee of the whole, and placed on the general order.

By the committee on internal improvements :

The committee on internal improvements, to whom was referred the remonstrance of R. C. Luce and others, of Grand Rapids, against the passage of any act extending the time for the completion of the Grand Rapids and Indiana railroad,

Have had the same under consideration, and have instructed me to report the same back to the House, and recommend its reference to the committee on public lands, and ask to be discharged from the further consideration of the subject.

ALONZO SESSIONS, *Chairman.*

Report accepted and committee discharged.

The recommendations of the committee were concurred in, and the bill was referred to the committee on public lands.

By the committee on internal improvements:

The committee on internal improvements, to whom was referred the memorial of P. Burton, asking for the passage of a general ditch law,

Have had the same under consideration, and instructed me to report the same back, and to say to the House that the committee entertain the opinion that the present general ditch law,



together with the law of 1859, afford ample provision for the object contemplated, and that further legislation upon that subject is unnecessary, unless some amendments to those laws are desirable, to improve their practical operation, of which fact your committee are not informed ; and your committee ask to be discharged from the further consideration of the subject.

ALONZO SESSIONS, *Chairman.*

Report accepted and committee discharged.

On motion of Mr. Howell,

The memorial was laid on the table.

By the committee on internal improvements :

The committee on internal improvements have had under consideration

Joint resolution authorizing and requiring the Board of State Auditors to audit and allow certain claims for lands taken by the Southern Railroad.

As this is one of a class of claims frequently urged upon the attention of the Legislature, and as we have no means of knowing how many of a like character will follow it, your committee have thought it due to the House to give to the claim referred to a somewhat careful investigation.

Article 4, section 31, of the constitution of this State declares that "the Legislature shall not audit nor allow any private claim or account."

Article 8, section 4, provides as follows :

"The Secretary of State, State Treasurer and Commissioner of the State Land Office, shall constitute a Board of State Auditors, to examine and adjust all claims against the State, not otherwise provided for by general law."

If the claims embraced in this joint resolution are just and valid against the State, and are not such as the Board of State Auditors can adjust, it appears plain to your committee that there can be but one remedy, and that by a general law. Wishing to do justice to all parties having claims against the



State, we have taken some time to examine this case, and find substantially the following state of facts:

The claim is for damages for the right of way across the lands of the claimants, which right of way was transferred by the State to the Southern Railroad company, though it does not appear that any compensation was paid by the State to any party. Said road was located across the lands of these parties in the summer of 1838, and came into use in 1844, was purchased of the State in 1846, and has since been owned and used by the Southern Railroad company.

It will be seen by reference to an act of the legislature, approved March 21, 1837, that ample provision was then made for the amicable adjustment of all claims of this description, and acts were also passed for the same purpose in 1839, 1840, 1842, 1843, 1844 and 1846, each making ample provision for the same purpose, and giving all parties interested abundant time and repeated notice that unless claims were presented within a time limited, the same would be forfeited. It also appears that the parties now claiming damages were not the owners of the land at the time the road was located, but have come in possession since, (one, at least, as late as 1851,) while the railroad company were using and controlling the road, and in the enjoyment of all the rights and privileges granted by the State.

With such a state of facts, your committee cannot recommend the passage of this resolution, and ask to be discharged from any further consideration of the subject.

ALONZO SESSIONS, *Chairman.*

Report accepted and committee discharged.

On motion of Mr. Lockwood,

The resolution was laid on the table.

By the committee on banks and incorporations :

The committee on banks and incorporations, to whom was referred a manuscript Senate bill, entitled

A bill to authorize the trustees of the Central Methodist Episcopal Church of Lansing to borrow money, and secure the pay-



ment thereof by mortgage on lot No. 6, in block No. 96, in the city of Lansing,

Have had the same under consideration, and report the same back to the House, with a recommendation that it do pass, and ask to be discharged from the further consideration thereof.

E. PRINGLE, *Chairman.*

Report accepted and committee discharged.

On motion of Mr. Pringle,

The bill was placed on the order of third reading.

By the committee on mines and minerals :

The committee on mines and minerals, to whom was referred Senate bill, entitled

A bill compelling mining companies in the Upper Peninsula of Michigan to file with the county treasurer of the county in which they are doing business, a list of their stockholders, and the amount of the indebtedness of the companies,

Have had the same under consideration, and respectfully report the same back to the House without amendment, with the recommendation that it do pass, and ask to be discharged from the further consideration thereof.

I. DAVIS, *Chairman.*

Report accepted and committee discharged.

The bill was referred to the committee of the whole, and placed on the general order.

By the committee on public lands :

The committee on public lands, to whom was referred so much of the Governors' messages as relates to the public lands, have had the same under consideration, and direct me to report:

That the policy heretofore inaugurated, to reclaim the swamp lands by means of roads and ditches, meets our approbation. The law regulating the same, however, should be so amended as to lessen the expense, and still be more efficient. In accordance with this view we have reported a bill amendatory to act No. 117, of session laws of 1859, the provisions of which are, in our opinion, amply sufficient to accomplish the ends sought:



1st. There is to be but one commissioner.

2d. The contractor may select his lands upon the approval of his contract by the State Board.

3d. He may make the selection from any lands applicable to his road, without regard to county limits in which the road is located.

The single commissioner, being at all times subject to direction and control, or removal, by the State Board, and being obliged to report as often as said Board shall direct, is under such restraint as in our opinion will be an ample safeguard against abuse of his powers.

The saving of expense by having only one in stead of three commissioners, as at present provided, is a sufficient argument in favor of the change.

The provision for withholding from market the lands selected by the contractor, until the time of completing his work, it is believed will more effectually secure the taking of such jobs by responsible men, with capital to enable them to go on with the same, independent of any aid from the treasury, thus making the lands alone build the roads and construct the ditches.

The right of a contractor doing a job in one county, to select his lands in another, will in many instances, enable such contractor to take lands convenient to his residence, though his work may be done in a distant county, and though the land selected, as will often be the case, may be of less intrinsic value, it is more desirable to him from the fact of its being in his immediate vicinity; while the lands on the road constructed, will be left open to entry by actual settlers.

We find that the State is at this time indebted to contractors on roads, for work already done, to the amount of \$30,507.71, payable, according to their contracts, in *cash*. (See statement A hercunto attached.)

Some of said contractors have expressed a willingness to take lands in liquidation of their entire claim, and others a part of theirs at least, provided they can have the privilege of making the selection from any of the swamp lands in the State.



What difference can it make to the State, whether the lands be taken, or the money arising from the sale of the same, whenever located, as is now the case? There can certainly be no objection to this mode of payment, and if such right of selection is more valuable for the payment of a debt already due, it is equally so for the construction of new roads.

In order to give the House a better understanding of the whole matter, the committee have procured and herewith present a statistical table, (marked B,) whereby it will be seen that the whole amount granted to the State is 5,890,361 acres, of which the State has received patents for 5,082,375 acres, leaving unpatented 807,985 acres.

Amount disposed of, 429,489 acres, showing the amount unsold to be 5,460,871 acres. Included in the amount disposed of is the amount licensed, 75,422 acres.

By reference to the statistical table herewith annexed, the amount in each county will be easily ascertained.

It will be seen that the amount of land yet undisposed of is very great, and that we need have no fear of exhausting it by liberal appropriations for roads and drainage. It should not be squandered, though the policy of putting it into valuable and permanent improvements, calculated to induce settlers to occupy and cultivate it, to as great an extent as possible, is earnestly recommended.

The committee are decidedly of the opinion that the appropriation of the lands themselves, rather than agreeing to pay money hereafter, to accrue from sales, is far the best policy; as in so doing the contractor will know for a certainty that his pay is ready on the completion of his work, instead of being left in doubt as to when the funds will be realized. Besides, the State will at no time be a debtor with inability to cancel the claim according to her agreement with the contractor.

The committee are also of the opinion that the granting of these lands to actual settlers by a former Legislature was a move in the right direction. They would, however, recommend such a change in the law as will allow the settler to take 80



acres, or any fractional lot over 40 and less than 80 acres, or even 80 and less than 120 acres; paying for all over 80 acres, in the latter case, at the minimum price paid by law, and at the same time providing some more effectual means for insuring the drainage, improvement and occupancy of the homestead thus donated. The grant of 80 acres would induce a more desirable class of persons to settle on the lands, especially if such persons were allowed to purchase an additional 80 acre lot under the provisions of the act for the sale by payment of one quarter down, and we recommend that such a provision be incorporated into the act as an amendment to the law now in force. The occupant under license should also have the privilege, at any time, of paying for the land licensed at the minimum price, and receive a patent from the State.

In accordance with these suggestions the committee have prepared and herewith present a bill embodying such provisions as they believe will meet your approbation, and recommend its passage, and ask to be discharged from the further consideration of the subject.

All of which is very respectfully submitted.

J. C. WATERBURY, *Chairman.*

#### STATEMENT A.

*Statement of Swamp Land Road Accounts.*



## STATEMENT B.

*Swamp Land Statement, showing amounts sold, licensed and unsold in each county, to January 1st, 1861.*

COUNTY.	Amt. Swamp Land in.	Amt. patented.	Amt. not patented.	Amt. sold, including Licences.	Amt. unsold.	Amount Licensed.
Alcona,.....	122,940.15	122,940.15		1,843.92	121,696.23	144.25
Allegan,.....	33,169.17	33,169.17		16,187.16	16,982.01	6,145.99
Alpena,.....	251,014.73	251,014.73		4,368.50	246,646.23	140.00
Antrim,.....	33,980.50		33,980.50		33,980.50	
Bay,.....	117,174.42	117,174.42		15,112.44	102,061.98	5,253.19
Barry,.....	5,167.75	5,167.75		4,467.97	699.78	1,451.25
Berrien,.....	7,432.09	7,432.09		7,323.80	108.29	
Branch,.....	4,499.42	4,499.42		4,499.42		
Calhoun,.....	12,910.65	12,910.65		12,362.95	547.70	40.00
Cass,.....	7,421.39	7,421.39		6,853.87	567.52	
Cheboygan,....	177,540.33	139,819.22	37,721.11	2,065.06	175,475.27	1,211.65
Chippewa,.....	531,573.56	531,573.56		467.00	531,106.56	276.15
Clare,.....	98,720.56	59,960.08	38,770.48	2,951.92	90,768.64	
Clinton,.....	23,312.35	19,683.91	3,628.44	12,033.40	11,278.95	555.77
Crawford,.....	41,311.65	23,970.37	17,341.28		41,311.65	
Delta,.....	498,635.24	498,635.24		3,914.95	494,720.29	
Eaton,.....	15,237.99	15,237.99		10,684.12	4,553.87	1,703.51
Emmet,.....	105,808.28		105,808.28		105,808.28	
Genesee,.....	4,197.64	4,197.64		3,671.15	526.49	952.08
Gladwin,.....	100,643.25	100,643.25		2,462.27	98,180.98	
Grand Traverse,	29,264.95		29,264.95		29,264.95	
Gratiot,.....	50,750.38	47,385.15	2,365.23	13,606.45	37,143.93	4,227.62
Hillsdale,.....	1,299.78	1,299.78		1,299.78		
Houghton,.....	98,711.43	98,711.43		11,175.48	87,535.95	
Huron,.....	170,301.78	170,301.78		15,761.31	154,540.47	6,428.35
Ingham,.....	16,333.75	16,333.75		12,110.35	4,223.40	320.00
Ionia,.....	11,070.51	11,070.51		8,280.12	2,790.39	1,385.50
Iosco,.....	69,013.71	69,013.71		890.19	68,123.52	342.64
Isabella,.....	53,093.63	27,936.51	25,157.12	3,717.72	49,375.91	480.00
Jackson,.....	4,801.45	4,801.45		4,801.45		
Kalamazoo,....	5,634.78	5,634.78		5,519.41	165.37	
Kalkaska,.....	44,634.15		44,634.15		44,634.15	
Kent,.....	14,791.18	14,791.18		11,052.81	3,738.37	2,717.74
Lake,.....	23,266.69	12,062.19	11,184.50		23,266.69	
Lapeer,.....	20,855.89	20,855.89		12,953.19	7,902.70	4,587.33
Leelanaw,.....	33,421.20		33,421.20		33,421.20	
Lenawee,.....	1,800.00	1,800.00		1,800.00		
Livingston,....	3,796.64	3,796.64		3,134.16	662.48	
Mackinac,.....	353,223.22	353,223.22		1,606.25	351,616.97	865.70
Macomb,.....	41.65	41.65		41.65		
Manistee,.....	47,633.60		47,633.60		47,633.60	
Manitou,.....	3,500.96	3,500.96		399.71	3,101.25	30.00
Marquette,....	464,945.55	464,945.55		3,914.36	461,030.69	
Mason,.....	42,497.16		42,497.16		42,497.16	
Mecosta,.....	61,681.29	61,681.29		11,769.83	49,911.41	3,394.00
Midland,.....	35,850.83	35,850.83		2,708.83	33,142.05	240.00
Missaukee,....	104,344.08		104,344.08		104,344.08	
Monroe,.....	4,563.85	4,563.85		2.00	4,561.85	
Montcalm,.....	33,341.55	33,341.55		10,716.77	22,624.78	4,531.64
Montmorency, .	102,470.23	102,470.23		160.00	102,310.23	
Muskegon,.....	47,331.12	34,004.74	13,376.38	2,492.27	45,338.85	720.00
Newaygo,.....	74,170.53	44,007.73	30,162.80	2,315.01	71,355.57	1,063.23
Oakland,.....	2,365.45	2,365.45		2,115.99	249.46	120.00
Oceana,.....	44,045.37		44,045.37		44,045.37	
Ogemaw,.....	65,121.44	65,121.44		1,091.00	63,430.44	
Ontonagon,....	109,191.61	109,191.61		513.95	108,677.66	
Osceola,.....	46,629.95	46,629.95		4,725.30	41,904.15	
Oscoda,.....	22,924.75	22,924.75			22,924.75	
Otsego,.....	39,287.70	31,734.97	7,552.73		39,287.70	
Ottawa,.....	27,999.37	27,999.37		5,709.39	21,999.88	2,120.00
Presque Isle,...	217,367.90	217,367.90		967.30	216,890.60	
Roscommon,...	100,275.37	42,656.91	57,618.46		100,275.37	
Saginaw,.....	65,375.37	65,375.37		20,006.00	45,369.37	7,333.24
Sanilac,.....	143,307.61	143,307.61		57,320.74	85,986.87	4,427.37
Schoolcraft,....	509,640.31	520,402.99	49,237.32		509,640.31	
Shiawassee,....	17,061.73	17,061.73		13,613.41	4,048.37	1,959.79



## STATEMENT B—CONTINUED.

COUNTY.	Amt. Swamp Land In.	Amt. patent- ed.	Amt. not patented.	Amt. Sold, including Licences.	Amt. unsold	Amount Licensed.
St. Clair,.....	28,427.57	28,427.57		17,093.85	11,333.72	1,798.84
St. Joseph,.....	8,383.06	8,383.06		3,343.06	40.00	
Tuscola,.....	108,932.93	108,932.93		21,361.82	87,551.11	7,063.87
Van Buren,.....	26,985.06	26,985.06		25,673.96	1,311.10	890.00
Washtenaw,....	1,749.94	1,749.94		1,749.94		
Wayne,.....	120.00	120.00		120.00		
Wexford,.....	27,339.91		27,339.91		27,339.91	
	5,890,361.49	5,082,375.94	807,995.55	429,489.96	5,400,871.53	75,422.07

Report accepted and committee discharged.

On motion of Mr. Howell,

One thousand extra copies of the report was ordered printed for the use of the House.

The bill reported by the committee was read a first and second time by its title, ordered printed, referred to the committee of the whole and placed on the general order.

By the committee on printing:

The committee on printing to whom was referred Senate joint resolution No. 6, to provide for the printing and distribution of the report of the State Geologist, direct me to report that they find the committee on the geological survey have been in conference with, and obtained from the State Printers an estimate of the cost of printing the edition provided for in the Senate joint resolution, comprising 5,000 copies of the report of the State Geologist, bound in muslin, at 30 cents each, and 2000 in stitched form, at 18 cents each, amounting in the whole to \$1,860, which the committee on printing consider to be a low price.

The committee on printing fully concur with the committee on the geological survey, in regarding as of great practical value to the State the wide circulation of such facts as will be contained in the State Geologist's report. To acquire a knowledge of the material wealth buried beneath the soil, is hardly of more importance than the dissemination of that knowledge when obtained. Aside from its interest for the student of science, the office of such information is to assist the development of the material resources of the country, and by indicating with certainty the region for employment of profitable industry, to invite



immigration, and elevate the general character of Michigan as a field for enterprise, thus making it for the advantage of the State to provide liberally for the distribution of such intelligence.

The committee have, therefore, instructed me to report the said joint resolution back to the House, and recommend that line two be amended by adding at the end thereof, after "Professor Winchell," the words "and Professor Miles;" and that line five be amended by inserting after "copies," the words "to the Assistant State Geologist for distribution by him, two hundred copies;" and when so amended recommend that the said joint resolution do pass, and ask to be discharged from the further consideration thereof.

All of which is respectfully submitted.

F. H. RANKIN, *Chairman*.

Report accepted and committee discharged.

On motion of Mr. Sessions,

The House concurred in the amendments made by the committee.

On motion of Mr. Rankin,

The joint resolution was placed on the order of third reading.

By the committee on roads and bridges:

The committee on roads and bridges, to whom was referred

A bill to authorize certain highways to be laid out less than four rods wide,

Have had the same under consideration, and instructed me to report the same back without amendment, recommend its passage, and ask to be discharged from its further consideration.

N. K. GREEN, *Chairman*.

Report accepted and committee discharged.

On motion of Mr. N. K. Green,

The bill was referred to the committee of the whole, and placed on the general order.

By the committee on roads and bridges:

The committee on roads and bridges, to whom was referred



the petition of George Marcy, J. M. Barnard, and 240 others, asking for a State road from the township of Danby, Ionia Co., to the village of Pewamo, on the Detroit and Milwaukee railroad, and for the appropriation of certain non-resident highway taxes on the same, and also a bill in accordance with the prayer of the petitioners, have had the subject under consideration, and have instructed me to report the said bill, entitled

A bill to lay out and establish a State road from the township of Danby, in the county of Ionia, to Pewamo, on the Detroit and Milwaukee railway,

And recommend its passage, and ask to be discharged from the further consideration of the subject.

N. K. GREEN, *Chairman.*

Report accepted and committee discharged.

The bill was ordered printed, referred to the committee of the whole, and placed on the general order.

By the committee on engrossment and enrollment:

The committee on engrossment and enrollment, report as correctly enrolled, signed and presented to the Governor, the following entitled bill:

A bill to change the name of the Algerville and Grand Blanc plank road company, to the name of Grand Blanc and Holly plank road company.

A. L. GREEN, *Chairman.*

Report accepted.

#### REPORTS OF SPECIAL COMMITTEES.

By the select committee on emigrant agency:

The select committee, to whom was referred

A bill entitled an act for the continuation of an emigrant agency and appropriation made therefor,

Have had the same under consideration, having made certain amendments thereto, and recommend that when so amended the bill do pass, and ask to be discharged from the further consideration of the same.

J. G. PETERSON, *Chairman.*



Report accepted and committee discharged.

On motion of Mr. Howell,

The House concurred in the amendments made by the committee.

The bill was ordered printed, referred to the committee of the whole and placed on the general order.

MESSAGES FROM THE GOVERNOR.

The Speaker announced the following :

EXECUTIVE OFFICE,  
Lansing, February 4, 1861. }

*To the House of Representatives:*

I have approved and filed in the office of the Secretary of State the following:

An act to authorize the trustees of the First Congregational Church of Lawrence, Van Buren county, to mortgage real estate;

Also,

An act to authorize fractional school district No. 3, of the townships of Sylvan and Lima, county of Washtenaw, to issue bonds;

Also,

An act to extend the time for the collection of taxes in the townships of Lyons and Boston, Ionia county, for the year 1860;

Also,

An act to confirm deeds and instruments intended for the conveyance of real estate in certain cases;

Also,

An act to authorize the Fort Street Presbyterian Church, of Detroit, to hold certain property;

Also,

An act to extend the time for the collection of taxes in the unorganized territory in Manitou county;

Also,

An act to amend an act entitled an act to authorize the incorporation of bridge companies, approved April 4, 1851, by adding two sections thereto;



Also,

An act to amend section forty-four, of chapter sixty-five, of the revised statutes of 1846, (compiled laws, volume 2, section 2763,) in relation to the discharge of mortgages.

AUSTIN BLAIR.

Laid on the table.

Also the following :

EXECUTIVE OFFICE,  
Lansing, February 4, 1861. }

*To the House of Representatives:*

I have approved and deposited in the office of the Secretary of State the following :

An act to amend sections 9 and 34, of chapter 103, of the revised statutes of 1846, compiled laws, volume 2, sections 4351 and 4376 ;

Also,

An act entitled an act to provide for changing the names of minor adopted children and other persons ;

Also,

An act entitled an act to amend section 8, of chapter 38, of the revised statutes of 1846, as amended by an act entitled an act to amend chapter 40 of the compiled laws, relative to the support of poor persons by the public, approved February 11, 1859 ;

Also,

Joint resolution on the State of the Union.

AUSTIN BLAIR.

Laid on the table.

#### MESSAGES FROM THE SENATE.

The Speaker announced the following :

SENATE CHAMBER,  
Lansing, February 4, 1861. }

*To the Speaker of the House of Representatives :*

SIR :—I am instructed by the Senate to transmit the following entitled bills :

A bill to amend sections 404 and 405 of the compiled laws,



being section 63 and 64 of chapter 10, enabling county clerks to appoint deputies ;

A bill to amend section 93, of an act to provide for holding general and special elections, approved June 27, 1851, relative to the fees of county clerks and district canvassers ;

Which have passed the Senate by a majority vote of all the Senators elect, and in all of which the concurrence of the House is respectfully asked.

Very respectfully,

A. B. TURNER,

*Secretary of the Senate.*

The first named bill was read a first and second time by its title, and referred to the committee on the judiciary.

The second named bill was read a first and second time by its title, and referred to the committee on the judiciary.

Also the following :

SENATE CHAMBER,  
Lansing, February 4, 1861. }

*To the Speaker of the House of Representatives :*

SIR :—I am instructed to return to the House the following entitled joint resolution :

Joint resolution in regard to the renewal of the patent of, McCormick's reaping machine,

In the passage of which the Senate has concurred by a majority of all the Senators elect.

Very respectfully,

A. B. TURNER,

*Secretary of the Senate.*

The joint resolution was referred to the committee on engrossment and enrollment.

Also the following :

SENATE CHAMBER,  
Lansing, February 4, 1861. }

*To the Speaker of the House of Representatives :*

SIR :—I am instructed by the Senate to transmit the following entitled bill:



A bill to amend section 25, of title 4, and section 4, of title 11, of an act entitled an act to revise the charter of the city of Grand Rapids,

Which has passed the Senate by a majority vote of all the Senators elect, and by a vote of two-thirds of all the Senators elect, been ordered to take immediate effect, and in which the concurrence of the House is respectfully asked.

Very respectfully,

A. B. TURNER,

*Secretary of the Senate.*

The bill was read a first and second time by its title, and referred to the committee on banks and incorporations.

Also the following :

SENATE CHAMBER,  
*Lansing, February 4, 1861.* }

*To the Speaker of the House of Representatives :*

\*S<sup>R</sup>—I am requested by the Senate to inform the House that the following resolution has been adopted by the Senate :

*Resolved*, That the Secretary be requested to respectfully inform the House of Representatives that the bill entitled

A bill to extend the time for the collection of taxes in the county of Wayne,

Was in possession of the Senate at the time of its passage in this body, as appears from the following extract from the journal of the Senate:

“ On motion of Mr. Adair,

“ The vote of the Senate, taken yesterday, by which

“ House bill, entitled

“ A bill to extend the time for the collection of taxes in the county of Wayne,

“ Was not passed, was reconsidered.

“ The President announced that the bill was not in possession of the Senate, it having been returned to the House as not passed by the Senate.

“ The Secretary was directed to obtain the bill.



"A messenger was despatched for the same, and returned therewith."

Very respectfully,

A. B. TURNER,

*Secretary of the Senate.*

The message was laid on the table.

MOTIONS, RESOLUTIONS AND NOTICES.

Mr. Cutcheon moved that the committee of the whole be discharged from the further consideration of House bill, entitled

A bill to provide for the reorganization and government of the University of Michigan ;

Which motion prevailed.

On motion of Mr. Howell,

The bill was recommitted to the committee on judiciary.

Mr. Lockwood moved that the committee of the whole be discharged from the further consideration of

A bill to provide a military contingent fund and force ;

Which motion prevailed.

Mr. A. W. Davis offered the following :

*Resolved*, That the bill entitled a bill to provide a military contingent fund and force, be made the special order for this afternoon at two o'clock ;

Which was adopted.

Mr. Lockwood offered the following :

*Resolved*, That the committee on supplies and expenditures be authorized and requested to provide a sufficient supply pipe of pure air to the furnace by which this House is warmed, and also to have a ventilating apparatus made in the chimneys of the House ;

Which was adopted.

Mr. Pratt moved that the committee of the whole be discharged from the further consideration of a bill, entitled

A bill to amend an act entitled an act to provide for the incorporation of the village of Bay City ;

Which motion prevailed.

On motion of Mr. Pratt,



The bill was placed on the order of third reading.

Mr. Adams gave notice that on some future day he would ask leave to introduce

A bill to authorize the conveyance of certain portions of section 16, township 1 south of range 11 west, in the county of Kalamazoo.

Mr. Cooley gave notice that on some future day he would ask leave to introduce

A bill to repeal act No. 177, of the session laws of 1859, entitled an act further to preserve the purity of elections and guard against the abuse of the elective franchise, by a registration of electors.

Mr. Hemingway gave notice that on some future day he would ask leave to introduce

A bill to amend chapter 17 of the compiled laws, by adding a new section thereto.

Mr. Fallass offered the following:

*Resolved*, That the committee on roads and bridges be instructed to inquire whether any alteration in the road law is necessary to correspond with the provisions of the constitution as amended, or such other alteration as the public good may require, and report by bill or otherwise.

On motion of Mr. Moore,

The resolution was laid on the table.

Mr. Douglas offered the following:

*Resolved*, That the use of this hall be granted to Mr. Campbell, of Marquette, on Wednesday evening next, for the purpose of delivering an address on the climate, soil, mineral and agricultural resources of the Upper Peninsula of Michigan.

Which was adopted.

Mr. Pringle asked and obtained leave of absence for Mr. Crego, for an indefinite time, on account of sickness.

Mr. Gilbert gave notice that on some future day he would ask leave to introduce

A bill authorizing the Auditor General to issue new deeds



upon tax sale certificates, where the original deeds and the record thereof have been destroyed.

Mr. Lockwood, previous notice having been given, and leave being granted, introduced

A bill to provide for the formation of gymnastic associations.

The bill was read a first and second time by its title, and referred to the committee on banks and incorporations.

Mr. Fallass, previous notice having been given, and leave being granted, introduced

A bill to amend an act entitled an act to provide for laying out a State road in Ionia, Kent and Barry counties, approved February 12, 1859.

The bill was read a first and second time by its title, and referred to the committee on roads and bridges.

Mr. A. Stevens, previous notice having been given, and leave being granted, introduced

A bill to amend sections 14 and 16, and repeal section 15, of chapter 134, of the compiled laws, in relation to actions of ejectment.

The bill was read a first and second time by its title, and referred to the committee on the judiciary.

Mr. Rankin, previous notice having been given, and leave being granted, introduced

A bill to amend an act to amend certain sections of an act to incorporate the city of Flint, approved February 13, 1855, approved February 2, 1857.

The bill was read a first and second time by its title, and referred to the committee on banks and incorporations.

Mr. Ramsdell, previous notice having been given, and leave being granted, introduced

A bill to establish the county seat of Mason county.

The bill was read a first and second time by its title, and referred to the committee on towns and counties.

Mr. Toll, previous notice having been given, and leave being granted, introduced

A bill to lay out and construct a road from Little Traverse Bay



in the county of Emmet, to the Cross village, from thence to the Straits of Mackinac, and donating swamp lands to aid in the construction thereof.

The bill was read a first and second time by its title and referred to the committee on public lands.

### THIRD READING OF BILLS AND JOINT RESOLUTIONS.

House bill, entitled

A bill to continue the authority of the Circuit Court Commissioners after the expiration of their term of office, in certain cases.

Was read a third time and passed, a majority of all the members elect voting therefor, by yeas and nays, as follows:

#### YEAS.

Mr. Adams,	Mr. N. K. Green,	Mr. Read,
Alexander,	Hadley,	Sessions,
Atwood,	Henderson,	Shank,
Beamer,	Hemingway,	Shanahan,
Blakeslee,	Hodges,	W. N. Stevens,
Brownell,	Hood,	A. Stevens,
Choate,	Howell,	Stewart,
Cook,	Hurd,	Stoddard,
Cooley,	Jones,	Strong,
Cox,	Joy,	Taylor,
Cutcheon,	Kelsey,	Tibbits,
A. W. Davis,	Lockwood,	Toll,
Ira Davis,	Miller,	Wade,
Douglas,	Moore,	Waterbury,
Fallass,	Persons,	Wheeler,
Follett,	Peterson,	T. M. Wilson,
Foot,	Phelps,	J. B. Wilson,
Fowle,	Piper,	Winans,
Gilbert,	Pringle,	Woodman,
Goodrich,	Ramsdell,	Woodward,
Gregory,	Rankin,	Speaker,

63

#### NAYS.

0

Title agreed to.

House bill, entitled

A bill to amend section 86, of an act entitled an act to amend chapter 93, of the revised statutes of 1846, entitled of courts held by justices of the peace, the same being section 8738 of the compiled laws,



Was read a third time and passed, a majority of all the members elect voting therefor, by yeas and nays, as follows :

## YEAS.

Mr. Adams,	Mr. Gregory,	Mr. Rankin,
Alexander,	A. L. Green,	Read,
Atwood,	N. K. Green,	Sessions,
Baker,	Hadley,	Shank,
Beamer,	Henderson,	Shanahan,
Blakeslee,	Hemingway,	W. N. Stevens,
Brownell,	Hill,	A. Stevens,
Chase,	Hodges,	Stewart,
Childs,	Hood,	Stoddard,
Choate,	Howell,	Strong,
Cook,	Hurd,	Taylor,
Cox,	Jones,	Tibbits,
Cutcheon,	Kelsey,	Toll,
A. W. Davis,	Lockwood,	Wade,
Ira Davis,	Miller,	Waterbury,
Douglas,	Moore,	Wheeler,
Fallass,	Persons,	T. M. Wilson,
Follett,	Peterson,	J. B. Wilson,
Foote,	Piper,	Winans,
Fowle,	Pratt,	Woodman,
Gilbert,	Pringle,	Woodward,
Goodrich,	Ramsdell,	Speaker, 66
	NAYS.	0

Title agreed to.

## GENERAL ORDER.

On motion of Mr. Sessions,

The House went into committee of the whole on the general order,

Mr. N. K. Green in the chair.

After some time spent therein, the committee rose, and through the chairman, made the following report :

The committee of the whole have had under consideration the following bill, entitled

A bill to amend act No. 129, of the session laws of 1859, relative to the charter of the city of Detroit, approved February 12, 1859 ;

Have made some progress therein, but, not having gone



through therewith, have directed their chairman to report that fact to the House, and to ask leave to sit again.

N. K. GREEN, *Chairman*.

Report accepted, and leave granted.

On motion of Mr. Childs,

The House took a recess until 2 o'clock this afternoon.

—  
AFTERNOON SESSION.

2 o'clock P. M.

The House met, and was called to order by the Speaker.

Roll called : quorum resent.

SPECIAL ORDER.

On motion of Mr. Childs,

The House went into committee of the whole on the special order,

Mr. Gregory in the chair.

After some time spent therein, the committee rose, and through their chairman made the following report :

The committee of the whole have had under consideration the following entitled bill:

A bill to provide a military contingent fund and force,

Which the committee report back to the House, and ask to be discharged from the further consideration of the same.

C. S. GREGORY, *Chairman*.

Report accepted and committee discharged.

Mr. Howell asked and obtained the unanimous consent of the House to offer the following :

*Resolved*, That the committee on the militia be instructed to submit to the Attorney General, for his opinion thereon, as to its constitutionality, section 1 of "a bill to provide a military contingent fund and force," to be communicated to this House ;

Which was adopted.

On motion of Mr. Alexander,

The House adjourned till to-morrow morning at 10 o'clock.



*Lansing, Wednesday, February 6, 1861.*

House met pursuant to adjournment, and was called to order by the Speaker.

Prayer by Rev. Mr. McLeod.

Roll called : quorum present.

Mr. W. N. Stevens asked and obtained leave of absence for himself until Tuesday next.

Mr. Read asked and obtained leave of absence for Mr. C. Davis for an indefinite time, on account of sickness.

Mr. Jones asked and obtained leave of absence for Mr. Shanahan for an indefinite time, on account of sickness.

PETITIONS PRESENTED.

By Mr. Pringle : petition of D. McWhorter and 26 others, for an act authorizing the sale and conveyance, by the trustees of Grass Lake Baptist Society, of certain real estate, to school district No. 9, of the township of Grass Lake;

Referred to the committee on banks and incorporations.

By Mr. T. M. Wilson : petition of S. L. Andrews, J. W. Dyer, and others, for a law for the registration of births, deaths and marriages;

Also, petition of J. P. Smith and others, for the same;

Referred to the committee on State affairs.

Also, petition of J. F. Buffum, J. M. Chapman and others, for a banking law similar to that of Ohio and Indiana.

Referred to the committee on banks and incorporations.

By Mr. Haire: petition of James Sawyer and 85 other citizens of Ottawa county, praying for the passage of an act for the relief of persons in this State, who conscientiously observe the seventh day of the week as the Sabbath, from civil process made returnable on such day;

Referred to the committee on the judiciary.

By Mr. A. L. Green: petition of R. W. Griswold, H. G. Barber and 52 others, citizens of Vermontville, Eaton county, asking for the appropriation of the non-resident tax for the improvement of the road leading from Bellevue, in Eaton county, to Ionia, in Ionia county ;



Referred to the committee on roads and bridges.

By Mr. Stewart: petition of J. G. Wait, Wm. L. Stoughton and 95 others, citizens of St. Joseph county, praying the Legislature to extend to the Grand Rapids and Indiana Railroad Company the time for the construction of the first twenty miles of its road ;

Referred to the committee on public lands.

By Mr. Lockwood : petition of 21 citizens of Detroit for the repeal of the personal liberty laws ;

Also, petition of 64 citizens of Detroit for the same purpose ;

Referred to the committee on judiciary.

By Mr. Phelps : memorial of D. Daniels and 40 others, citizens of Algonac, against the repeal of the laws to prevent kidnapping, and to protect citizens of our State ;

Referred to the committee on judiciary.

By Mr. Atwood : remonstrance of D. B. Harrington, H. L. Henderson and 90 others, against any change in the boundaries (or division) of Ingham county ;

Also, remonstrance of E. C. Banker and 30 others, to the same purpose ;

Also, remonstrance of George D. Pease and 28 others, to the same purpose ;

Also, remonstrance of John Coatsworth and 44 others, to the same purpose ;

Also, remonstrance of Ezra Harris and 18 others, to the same purpose ;

Also, remonstrance of Ira Wood and 25 others, to the same purpose ;

Also, remonstrance of John C. Bird and 36 others, to the same purpose ;

Also, remonstrance of Abram Van Buren and 36 others, to the same purpose ;

Also, remonstrance of Mason Branch and 60 others, to the same purpose ;

Also, remonstrance of A. R. L. Covert and 60 others, to the same purpose ;



Also, remonstrance of J. E. Baird and 39 others, to the same purpose;

Also, remonstrance of Amos Mattison and 54 others, to the same purpose;

Also, remonstrance of Peter Linderman and 38 others, to the same purpose;

Also, remonstrance of John Wright and 18 others, to the same purpose;

Also, remonstrance of F. B. Wilkins and 80 others, to the same purpose;

Which remonstrances were severally referred to the committee on towns and counties.

By Mr. Waterbury: petition of Ebenezer Ludlow, John Smith and 26 others, electors of Huron county, asking for an appropriation of swamp lands for the improvement of the Port Huron and Lexington State road;

Referred to the committee on public lands.

By Mr. Waterbury: petition of Orson W. King, Frederic Shilling, Alexander Wheeler, Thomas Nichols, Wm. D. Ludington, H. Prescott, Lewis Bonnell, supervisors of Huron county, and 71 others, asking for an appropriation of swamp lands, for the improvement of the State road from White Rock, in Huron county, to Ellington, in Tuscola county;

Referred to the committee on public lands.

By Mr. Persons: petition of J. K. Lockwood, O. T. B. Williams and 120 others, for a State road from the river Sauble, in Iosco county, to Duncan, in Cheboygan county;

Referred to the committee on public lands.

#### REPORTS OF STANDING COMMITTEES.

By the committee on the judiciary:

The committee on the judiciary, to whom was referred a petition for a change of the name of Gertrude Northam,

Respectfully report they have had the said petition under consideration; that as a general law has been passed which will accomplish the desired end, they recommend that the prayer of



the petitioners be not granted, and ask to be discharged from the further consideration of the subject.

THOS. W. LOCKWOOD, *Chairman.*

Report accepted and committee discharged.

On motion of Mr. Sessions,

The petition was laid on the table.

By the judiciary committee :

The committee on the judiciary, to whom was referred a petition to change the name of Malinda Miranda Parker,

Respectfully report that they have had the said petition under consideration ; that as a general law has been passed which will accomplish the desired end, they recommend that the prayer of the petitioners be not granted, and ask to be discharged from the further consideration of the subject.

THOS. W. LOCKWOOD, *Chairman.*

Report accepted and committee discharged.

On motion of Mr. Pringle,

The petition was laid on the table.

By the judiciary committee :

The committee on the judiciary, to whom was referred Senate bill, entitled

A bill to change the name of William Franklin Kelley,

Respectfully report that they have had the same under consideration, report it back with the recommendation that it do pass, and ask to be discharged from the further consideration of the subject.

THOS. W. LOCKWOOD, *Chairman.*

Report accepted and committee discharged.

The bill was referred to the committee of the whole, and placed on the general order.

By the judiciary committee :

The committee on the judiciary, to whom was referred Senate bill, entitled

A bill to change the name of Cynthia Massey to Tinnie Young;



Respectfully report that they have had the same under consideration, report it back with the recommendation that it do pass, and ask to be discharged from the further consideration of the subject.

THOS. W. LOCKWOOD, *Chairman.*

Report accepted and committee discharged.

The bill was referred to the committee of the whole and placed on the general order.

By the judiciary committee:

The committee on the judiciary, to whom was referred Senate bill, entitled

A bill to change the name of Alonzo M. Baldwin;

Respectfully report that they have had the same under consideration, report it back with the recommendation that it do pass, and ask to be discharged from the further consideration of the subject.

THOS. W. LOCKWOOD, *Chairman.*

Report accepted and committee discharged.

The bill was referred to the committee of the whole, and placed on the general order.

By the judiciary committee:

The committee on the judiciary to whom was referred Senate bill, entitled

A bill to change the name of Nellie Frances Augur to Nellie Frances Hull,

Respectfully report that they have had the same under consideration, report it back with the recommendation that it do pass, and ask to be discharged from the further consideration of the subject.

THOS. W. LOCKWOOD, *Chairman.*

Report accepted and committee discharged.

The bill was referred to the committee of the whole, and placed on the general order.

By the judiciary committee :



The committee on the judiciary, to whom was referred

A bill to change the name of T. D. Green, of the county of Eaton,

Respectfully report that they have had the said bill under consideration, that as a general law has been passed which will accomplish the desired end, they recommend that the bill do not pass, and ask to be discharged from the further consideration of the subject.

THOS. W. LOCKWOOD, *Chairman.*

Report accepted and committee discharged.

On motion of Mr. Childs,

The bill was laid on the table.

By the judiciary committee :

The committee on the judiciary, to whom was recommitted

A bill to amend an act entitled an act to provide punishment for fraudulently removing or embezzling property under chattel mortgages, approved February 15th, 1859;

Respectfully report that they have had the said bill under consideration, and in accordance with instructions, return the same with the following amendment. Insert the following after the enacting clause: "That if any person who shall have made or executed any mortgage or conveyance intended to operate as a mortgage of goods and chattles, shall fraudulently embezzle, remove, conceal or dispose of any such goods and chattles mortgaged or conveyed as aforesaid, with intent to injure or defraud the mortgagee or assignee of said mortgage or conveyance, he shall be guilty of a misdemeanor, and punished by fine not exceeding one hundred dollars, or by imprisonment in the county jail not exceeding three months, or both, in the discretion of the court."

They recommend that the bill, when so amended, do *not* pass.

THOS. W. LOCKWOOD, *Chairman.*

Report accepted and committee discharged.

On motion of Mr. Alexander,

The House concurred in the amendment made by the committee.



On motion of Mr. Howell,

The bill was placed on the order of third reading.

By the judiciary committee :

The committee on the judiciary, to whom was referred Senate bill, entitled

A bill to amend sections 3520, 3521 and 3522, of chapter 115, of the compiled laws, concerning the abatement and revival of suits in chancery;

Respectfully report that they have had the same under consideration, and return the same to the House with the accompanying amendments, recommending that the amendments be concurred in, and that it do pass, and ask to be discharged from the further consideration of the same.

THOS. W. LOCKWOOD, *Chairman.*

Report accepted and committee discharged.

On motion of Mr. Adams,

The House concurred in the amendments made by the committee.

The bill was referred to the committee of the whole and placed on the general order.

By the judiciary committee:

The committee on the judiciary, to whom was referred the petition of the board of supervisors of Kent county, asking for a change of the law in relation to the appointment of superintendents of the poor ;

Also,

A bill to amend section 2, of chapter 40, of the compiled laws relative to the support of poor persons by counties,

Respectfully report that they have had the same under consideration, return them to the House with the recommendation that the prayer of the petitioners be not granted, that the bill do not pass, and ask to be discharged from the further consideration of the subject.

THOS. W. LOCKWOOD, *Chairman.*

Report accepted and committee discharged.



On motion of Mr. Howell,  
The bill was laid on the table.

By the committee on the judiciary :

The committee on the judiciary, to whom was referred

A bill to provide for taking inquests by county coroners,

Respectfully report that they have had the said bill under consideration, return the same with the accompanying substitute, with the recommendation that the said substitute do pass, and ask to be discharged from the further consideration of the subject.

THOS. W. LOCKWOOD, *Chairman.*

Report accepted and committee discharged.

On motion of Mr. Sessions,

The substitute offered by the committee was adopted.

The bill was ordered printed, referred to the committee of the whole, and placed on the general order.

By the judiciary committee :

The committee on the judiciary, to whom was referred

A bill to amend act No. 229, of the session laws of 1859, in relation to the homestead law,

Respectfully report that they have had the same under consideration, and that as the body of the bill has no reference whatever to the homestead law, but is in relation to swamp lands, they consider that it is not properly one calling for action by this committee. The committee therefore recommend that it be referred to the committee on public lands, and ask to be discharged from the further consideration of the subject.

THOS. W. LOCKWOOD, *Chairman.*

Report accepted and committee discharged.

The recommendations of the committee were concurred in, and the bill referred to the committee on public lands.

By the committee on agriculture and manufactures:

The committee on agriculture and manufactures, to whom was referred



A bill to amend an act to provide for draining of swamps, marshes, and other low lands,

Would respectfully report that they have had the same under consideration, and after due deliberation thereon have instructed me to report the same back to the House without amendment, and recommend its passage, and ask to be discharged from the further consideration thereof.

JAMES WEBSTER CHILDS, *Chairman.*

Report accepted and committee discharged.

The bill was ordered printed, referred to the committee of the whole and placed on the general order.

By the committee on engrossment and enrollment :

The committee on engrossment and enrollment, report as correctly enrolled, signed and presented to the Governor, the following joint resolution :

Joint resolution in regard to the renewal of the patent of McCormick's reaping machine.

A. L. GREEN, *Chairman.*

Report accepted.

By the committee on roads and bridges :

The committee on roads and bridges, to whom was referred A bill to repeal act No. 244, of the session laws of 1859, and to amend section 345, of the compiled laws, in relation to the powers and duties of the boards of supervisors of the several counties.

Have had the same under consideration, and instructed me to report the same back to the House without amendment, and recommend that the same do pass, and ask to be discharged from the further consideration of the same.

N. K. GREEN, *Chairman.*

Report accepted and committee discharged.

The bill was ordered printed, referred to the committee of the whole and placed on the general order.

By the committee on State affairs:

The committee on State affairs, to whom was referred seve-



ral petitions for a law for the registration of births, marriages and deaths,

Have had the same under consideration, and have instructed their chairman to report that the prayers of said petitioners be granted, and herewith report a bill, and ask to be discharged from the further consideration of the same.

J. KANOUSE, *Acting Chairman.*

Report accepted and committee discharged.

The bill was read a first and second time by its title, ordered printed, referred to the committee of the whole, and placed on the general order.

By the committee on roads and bridges:

The committee on roads and bridges, to whom was referred

A bill to amend section 21, of chapter 21, of the compiled laws,

Have had the same under consideration, and instructed me to report the same back without amendments, and recommend the passage of the same, and ask to be discharged from its further consideration.

N. K. GREEN, *Chairman.*

Report accepted and committee discharged.

The bill was ordered printed, referred to the committee of the whole, and placed on the general order.

By the committee on towns and counties:

The committee on towns and counties, to whom was referred

A bill to attach certain territory to the township of Geneva, in Tuscola county,

Direct me to report in favor of the bill and recommend its passage, and ask to be discharged from the further consideration of the same.

J. B. WILSON, *Chairman.*

Report accepted and committee discharged.

On motion of Mr. Stoddard,

The bill was placed on the order of third reading.

By the committee on towns and counties:



The committee on towns and counties, to whom was referred  
A bill to change the name of the unorganized county of Otsego to that of Seward,

Find that said bill passed the Senate January 31, 1861. I am directed to report in favor of the bill, and recommend its passage by the House without amendment, and ask to be discharged from the further consideration of the same.

J. B. WILSON, *Chairman.*

Report accepted and committee discharged.

The bill was referred to the committee of the whole, and placed on the general order.

By the committee on towns and counties :

The committee on towns and counties, to whom was referred  
A bill to amend an act entitled an act to organize the county of Mecosta, and to locate the county seat thereof, approved February 11, 1859,

Direct me to report in favor of the bill, and ask to be discharged from the further consideration of the same.

J. B. WILSON, *Chairman.*

Report accepted and committee discharged.

The bill was ordered printed, referred to the committee of the whole, and placed on the general order.

By the committee on public lands:

The committee on public lands, to whom was referred Senate bill No. 24, being

A bill to amend an act entitled an act disposing of certain grants of land made to the State of Michigan, for railroad purposes, by act of Congress, approved June 3, 1856, approved February 14, 1857,

Respectfully report that they have had the same under consideration, and report the same back to the House without amendment, and recommend that the same do pass, and ask to be discharged from the further consideration of the same.

All of which is respectfully submitted.

J. C. WATERBURY, *Chairman.*



Report accepted and committee discharged.

On motion of Mr. Shank,

The bill was made the special order for Friday afternoon at 2 o'clock.

MESSAGES FROM THE SENATE.

The Speaker announced the following :

SENATE CHAMBER,  
*Lansing, February 6, 1861.* }

*To the Speaker of the House of Representatives:*

SIR :—I am instructed by the Senate to transmit the following entitled bills :

1. A bill to amend sections 6138 and 6140, of the compiled laws, being sections 10 and 12, of chapter 201, providing for the employment of prisoners confined in the county jails;

2. A bill to change the name of the First Congregational Society of the village of Ionia, to First Presbyterian Society of Ionia ;

Also the following entitled joint resolution:

Joint resolution authorizing the State Treasurer to provide for the interest due upon the bonds of the State in July and January next, and to pay the interest thereon and upon the floating debt of the State ;

Which have passed the Senate by a majority vote of all the Senators elect, and in which the concurrence of the House is respectfully asked.

Very respectfully,

A. B. TURNER,

*Secretary of the Senate.*

The first named bill was read a first and second time by its title, and referred to the committee on State affairs.

The second named bill was read a first and second time by its title, and referred to the committee on banks and incorporations.

The joint resolution was read a first and second time by its title, and referred to the committee on ways and means.

Also the following :



SENATE CHAMBER,  
*Lansing, February 6, 1861.* }

*To the Speaker of the House of Representatives:*

SIR:—I am instructed to return to the House the following entitled bill:

A bill relative to the duties of township and county officers, concerning receipts for moneys paid into the county treasury,

In the passage of which the Senate has concurred by a majority vote of all the Senators elect.

Very respectfully,

A. B. TURNER,

*Secretary of the Senate.*

The bill was referred to the committee on engrossment and enrollment.

MOTIONS, RESOLUTIONS AND NOTICES.

Mr. A. L. Green offered the following:

*Resolved*, That the use of this hall be granted to the Superintendent of Public Instruction on Tuesday evening next, for the discussion of educational subjects.

Which was adopted.

Mr. Cooley gave notice that on some future day he would ask leave to introduce

A bill to amend certain provisions of the prohibitory liquor law, and reduce the penalty for violations to practical dimensions.

Mr. Peterson gave notice that on some future day he would ask leave to introduce

A bill to amend section 78, of chapter 17, of the compiled laws.

Mr. J. B. Wilson gave notice that on some future day he would ask leave to introduce

A bill to amend an act entitled an act to provide for the incorporation of villages, approved February 17, 1857.

Mr. Stevens, unanimous consent being given, introduced

A bill to repeal an act to authorize Bay county to raise



money by the issue of bonds, to aid in the construction of a road, approved February 4, 1859;

The bill was read a first and second time by its title, and referred to the committee on ways and means.

Mr. Taylor, previous notice having been given, and leave being granted, introduced

A bill to amend subdivision 2, of act .117, session laws of 1859;

The bill was read a first and second time by its title, and referred to the committee on public lands.

Mr. Cook, previous notice having been given, and leave being granted, introduced

A bill relating to wills.

The bill was read a first and second time by its title, and referred to the committee on the judiciary.

Mr. Hemingway, previous notice having been given, and leave being granted, introduced

A bill to amend chapter 17, of the compiled laws, and an act amendatory thereto, approved February 4, 1858, by adding a new section thereto, to be numbered section 159.

The bill was read a first and second time by its title, and referred to the committee on judiciary.

Mr. Pratt, previous notice having been given, and leave being granted, introduced

A bill to amend sections 190 and 211, of chapter 117, of the compiled laws, in relation to appeals from courts of justices of the peace.

The bill was read a first and second time by its title, and referred to the committee on the judiciary.

#### THIRD READING OF BILLS AND JOINT RESOLUTIONS.

House bill, entitled

A bill to amend an act entitled an act to provide for the incorporation of the village of Bay City, approved February 9, 1859,

Was read a third time and passed, a majority of all the members elect voting therefor, by yeas and nays, as follows:



## YEAS.

Mr. Adams,  
Beamer,  
Blakeslee,  
Brownell,  
Childs,  
Choate,  
Chapoton,  
Cook,  
Cox,  
Cutcheon,  
A. W. Davis,  
Ira Davis,  
Douglas,  
Fallass,  
Follett,  
Foote,  
Fowle,  
Gilbert,  
Goodrich,  
Gregory,

Mr. A. L. Green,  
N. K. Green,  
Hadley,  
Haire,  
Henderson,  
Hemingway,  
Hill,  
Hodges,  
Hood,  
Hurd,  
Joy,  
Kelsey,  
Lockwood,  
Morrison,  
Moore,  
Peterson,  
Phelps,  
Piper,  
Pratt,  
Pringle,

Mr. Ramsdell,  
Rankin,  
Read,  
Sessions,  
Shank,  
Smith,  
W. N. Stevens,  
A. Stevens,  
Stoddard,  
Strong,  
Taylor,  
Tibbits,  
Wade,  
Wallin,  
Warner,  
Waterbury,  
J. B. Wilson,  
Winans,  
Woodman,

59

## NAYS.

Mr. Howell,  
Persons,  
Stewart,

Mr. Toll,  
T. M. Wilson,

Mr. Woodward,  
Speaker,

7

Title agreed to.

On motion of Mr. A. Stevens,

By a vote of two-thirds of all the members elect, the bill was ordered to take immediate effect.

Senate bill, being

A bill to authorize the trustees of the Central Methodist Episcopal Church of Lansing to borrow money, and secure the payment thereof by mortgage on lot number six, in block number ninety-six, in the city of Lansing.

Was read a third time and passed, a majority of all the members elect voting therefor, by yeas and nays, as follows:

## YEAS.

Mr. Adams,  
Alexander,  
Atwood,  
Baker,  
Beamer,

Mr. A. L. Green,  
N. K. Green,  
Hadley,  
Haire,  
Henderson,

Mr. Rankin,  
Read,  
Sessions,  
Shank,  
Smith,



Blakeslee,  
Brownell,  
Chase,  
Childs,  
Choate,  
Chapoton,  
Cook,  
Cox,  
Cutcheon,  
A. W. Davis,  
Douglas,  
Fallass,  
Follett,  
Foote,  
Fowle,  
Gilbert,  
Goodrich,  
Gregory,

Hemingway,  
Hill,  
Hodges,  
Hood,  
Howell,  
Joy,  
Kelsey,  
Leetch,  
Lockwood,  
Miller,  
Morrison,  
Moore,  
Persons,  
Peterson,  
Phelps,  
Piper,  
Pratt,  
Pringle,

W. N. Stevens,  
A. Stevens,  
Stewart,  
Stoddard,  
Strong,  
Taylor,  
Tibbits,  
Toll,  
Wade,  
Wallin,  
Warner,  
Waterbury,  
T. M. Wilson,  
J. B. Wilson,  
Winans,  
Woodman,  
Woodward,  
Speaker,

69

NAYS.

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Title agreed to.

On motion of Mr. Shank,

By a vote of two-thirds of all the members elect, the bill was ordered to take immediate effect.

Senate joint resolution, being

Joint resolution to provide for the printing and distribution of the report of the State Geologist,

Was read a third time and passed, a majority of all the members elect voting therefor, by yeas and nays, as follows :

YEAS.

Mr. Adams,  
Alexander,  
Baker,  
Beamer,  
Blakeslee,  
Chase,  
Childs,  
Choate,  
Chapoton,  
Cook,  
Cooley,  
Cox,  
Cutcheon,  
A. W. Davis,

Mr. N. K. Green,  
Hadley,  
Haire,  
Henderson,  
Hemingway,  
Hill,  
Hodges,  
Hood,  
Howell,  
Hurd,  
Jones,  
Joy,  
Kelsey,  
Leetch,

Mr. Pringle,  
Ramsdell,  
Rankin,  
Read,  
Sessions,  
Shank,  
Smith,  
A. Stevens,  
Stoddard,  
Taylor,  
Tibbits,  
Toll,  
Wade,  
Wallin,



Ira Davis,  
Fallass,  
Follett,  
Foote,  
Fowle,  
Gilbert,  
Goodrich,  
A. L. Green,

Lockwood,  
Miller,  
Morrison,  
Persons,  
Peterson,  
Phelps,  
Piper,  
Pratt,

Warner,  
Waterbury,  
T. M. Wilson,  
J. B. Wilson,  
Winans,  
Woodman,  
Speaker,

65

NAYS.

Mr. Atwood,

1

Title agreed to.

MESSAGE FROM THE SENATE.

By unanimous consent the Speaker announced the following:

SENATE CHAMBER,  
*Lansing, Febuary 6, 1861.* }

*To the Speaker of the House of Representatives:*

SIR:—I am instructed by the Senate to transmit the following entitled bill:

A bill to legalize the tax roll of the township of Maple Grove, in the county of Barry, for the year 1860, and to extend the time for the collection of said taxes;

Which has passed the Senate by a majority vote of all the Senators elect, and by a vote of two-thirds of all the Senators elect, been ordered to take immediate effect, and in all of which the concurrence of the House is respectfully asked.

Very respectfully,

A. B. TURNER,

*Secretary of the Senate.*

The bill was read a first and second time by its title, and

On motion of Mr. Beamer,

The rules were suspended, and the bill put upon its final passage.

The bill, being Senate bill, entitled

A bill to legalize the tax roll of the township of Maple Grove, in the county of Barry, for the year 1860, and to extend the time for the collection of said taxes,

Was then read a third time and passed, a majority of all the members elect voting therefor, by yeas and nays, as follows:



## YEAS.

Mr. Adams,	Mr. Hemingway,	Mr. Sessions,	
Baker,	Hodges,	Smith,	
Beamer,	Hood,	W. N. Stevens,	
Blakeslee,	Howell,	A. Stevens,	
Chase,	Hurd,	Stewart,	
Choate,	Jones,	Stoddard,	
Chapoton,	Joy,	Taylor,	
Cooley,	Kelsey,	Tibbits,	
Cutcheon,	Leetch,	Toll,	
Douglas,	Lockwood,	Wade,	
Fallass,	Miller,	Wallin,	
Follett,	Morrison,	Warner,	
Fowle,	Persons,	Waterbury,	
Gilbert,	Peterson,	T. M. Wilson,	
Goodrich,	Phelps,	J. B. Wilson,	
A. L. Green,	Pratt,	Winans,	
Hadley,	Pringle,	Woodman,	
Haire,	Rankin,	Speaker,	
Henderson,	Read,		56
	NAYS.		0

Title agreed to.

On motion of Mr. Beamer,

By a vote of two-thirds of all the members elect, the bill was ordered to take immediate effect.

## UNFINISHED BUSINESS.

Being the consideration of House bill, entitled

A bill to provide a military contingent fund and force.

On motion of Mr. Howell,

The bill was recommitted to the committee of the whole.

## GENERAL ORDER.

On motion of Mr. Lockwood,

The House went into committee of the whole on House bill, entitled

A bill to amend act No. 129, of the session laws of 1859, relative to the charter of the city of Detroit, approved February 12, 1859 ;

Mr. N. K. Green in the chair.

After some time spent therein, the committee rose, and, through the chairman, made the following report :



The committee of the whole have had under consideration the following bill, entitled

A bill to amend act No. 129, of the session laws of 1859, relative to the charter of the city of Detroit, approved February 12, 1859,

Have made no amendment thereto, and have directed their chairman to report the same back to the House, and ask to be discharged.

N. K. GREEN, *Chairman.*

Report accepted and committee discharged.

Mr. Tibbits moved that the bill be placed on the order of third reading ;

Mr. Pringle moved that the bill be recommitted to the committee on banks and incorporations, with instructions to bring in

A bill to relieve the Legislature from the consideration of the chronic quarrels of Wayne county by dividing and reorganizing the same.

Mr. Howell demanded the yeas and nays.

The demand was seconded, and the motion to recommit did not prevail, by yeas and nays, as follows :

#### YEAS.

Mr. Alexander,	Mr. A. L. Green,	Mr. Pratt,
Atwood,	N. K. Green,	Pringle,
Baker,	Hadley,	Rankin,
Beamer,	Hemingway,	Sessions,
Blakeslee,	Howell,	Shank,
Chapoton,	Hurd,	W. N. Stevens,
Cook,	Joy,	Stoddard,
Cooley,	Lockwood,	Wallin,
Douglas,	Morrison,	T. M. Wilson,
Gilbert,	Peterson,	Woodman,
Goodrich,	Phelps,	Speaker, 33

#### NAYS.

Mr. Adams,	Mr. Haire,	Mr. Smith,
Childs,	Hodges,	A. Stevens,
Choate,	Hood,	Stewart,
Cox,	Jones,	Strong,
A. W. Davis,	Kanouse,	Taylor,



Ira Davis,  
Fallass,  
Follett,  
Foote,  
Fowle,  
Gregory,

Kelsey,  
Leetch,  
Miller,  
Piper,  
Ramsdell,  
Read,

Tibbits,  
Wade,  
Warner,  
Waterbury,  
J. B. Wilson,  
Winans, 38

On motion of Mr. Waterbury,

The House adjourned till this afternoon at 2 o'clock.

#### AFTERNOON SESSION.

2 o'clock P. M.

House met and was called to order by the Speaker.

Roll called: quorum present.

The Speaker announced that the question before the House was upon ordering to a third reading, House bill entitled

A bill to amend act No. 129, of the session laws of 1859, relative to the charter of the city of Detroit, approved February 12, 1859.

The bill was so ordered.

#### GENERAL ORDER.

On motion of Mr. Childs,

The House went into committee of the whole on the general order,

Mr. T. M. Wilson in the chair.

After some time spent therein, the committee rose, and through the chairman, made the following report:

The committee of the whole have had under consideration the following entitled bills:

1. A bill to change the name of Clarissa Melissa Wing to Clara Barnes;

2. A bill to repeal an act entitled an act to amend chapter 28, of the revised statutes of 1846, relative to highway taxes, approved April 2, 1850;

3. A bill to amend an act entitled "an act to provide for the incorporation of railroad companies," approved February 12, 1855;



4. A bill to authorize the sale by the State Treasurer of two thousand copies of the compiled laws;

Have made no amendments thereto, and have directed their chairman to report the same back to the House, and recommend their passage.

The committee have also had under consideration the following entitled Senate bills :

5. A bill to amend act No. 248 of the laws of 1859, entitled an act to regulate fire, marine, life and health insurance companies, and their agents, associations, partnerships, and individuals doing fire, marine, life, and health insurance business, not incorporated by the State of Michigan, approved February 15, 1859;

To which they have made sundry amendments;

Also,

6. A bill to amend sections 1 and 4 of an act entitled an act to amend chapter 150, of the revised statutes of 1846, it being chapter 175 of the compiled laws, and to authorize the salary of judges of probate;

To which they have made no amendments, and report the same back to the House, and ask to be discharged from the further consideration of the same.

The committee have also had under consideration the following entitled bills :

7. A bill to amend sections 7, 13 and 21, of chapter 12, of the revised statutes, being sections 154, 160 and 173, of compiled laws;

Also,

8. A bill to provide for publishing the statistics of the State of Michigan, taken by authority of the United States, in the year one thousand eight hundred and sixty;

Have made sundry amendments thereto, and have directed their chairman to report the same back to the House, asking concurrence therein, and recommend their passage.

T. M. WILSON, *Chairman.*



The first, second, third and fourth named bills were ordered to a third reading.

Mr. Howell moved to recommit the fifth named bill to the committee on banks and incorporations, with instructions to retain section 4, and that part of section 10, requiring a statement of the amount of premiums received, and the payment of one per cent. specific tax ;

Which motion prevailed.

The sixth named bill was ordered to a third reading.

The amendments to the seventh named bill were concurred in, and the bill ordered to a third reading.

The question being upon concurring in the amendments to the eighth named bill,

Mr. T. M. Wilson moved to lay the bill on the table ;

Which motion did not prevail.

The amendments were then concurred in.

Mr. Childs moved to amend the bill by striking out the word "four," in the 2d line of section 2, and insert in lieu thereof the word "three;"

Which motion prevailed.

Mr. Howell moved to amend by inserting after the word "clerk," in the third line, the words, "and shall also transmit one copy for each township and district library," and demanded the yeas and nays.

The demand was seconded, and the motion to amend prevailed, by yeas and nays, as follows :

#### YEAS.

Mr. Adams,  
Alexander,  
Atwood,  
Baker,  
Beamer,  
Blakelee,  
Choate,  
Chapoton,  
Cook,  
Cutcheon,  
A. W. Davis,

Mr. Gregory,  
A. L. Green,  
Haire,  
Henderson,  
Hemingway,  
Hood,  
Howell,  
Hurd,  
Jones,  
Leetch,  
Morrison,

Mr. Pratt,  
Pringle,  
Rankin,  
A. Stevens,  
Stewart,  
Stoddard,  
Taylor,  
Tibbits,  
Toll,  
Wallin,  
Warner,



Douglas,  
Gilbert,  
Goodrich,

Peterson,  
Pheps,

Waterbury,  
T. M. Wilson,

40

## NAYS.

Mr. Chase,  
Childs,  
Cooley,  
Cox,  
Follett,  
N. K. Green,  
Hadley,  
Hodges,

Mr. Joy,  
Kancouse,  
Kelsey,  
Lockwood,  
Miller,  
Moore,  
Piper,  
Sessions,

Mr. Smith,  
Strong,  
Wade,  
J. B. Wilson,  
Winans,  
Woodman,  
Woodward,  
Speaker, 24

Pending the announcement of the vote,

Mr. Pringle moved that Mr. Atwood be excused from voting;

Which motion did not prevail.

Mr. Atwood then voted as recorded above.

Mr. Pratt moved to amend the bill by striking out the word "three," in the second line of section two, and insert in lieu thereof, the word "six ;"

Mr. Howell called for a division of the question.

The question being upon striking out the word "three," the same prevailed.

The motion to insert "six" did not prevail.

Mr. Cooley moved to fill the blank by inserting the word "ten;"

Which motion did not prevail.

Mr. Gregory moved to fill the blank with the word "five;"

Which motion prevailed.

Mr. Woodman moved to strike out all after the enacting clause.

Mr. Howell moved to adjourn;

Which motion did not prevail.

The question recurring on the motion to strike out all after the enacting clause,

Mr. Howell demanded the yeas and nays;

The demand was seconded, and the motion did not prevail, by yeas and nays, as follows :



## YEAS.

Mr. Atwood,  
Chase,  
Choate,  
Cooley,  
Cox,  
A. W. Davis,  
Gilbert,

Mr. Hadley,  
Haire,  
Hood,  
Jones,  
Kanouse,  
Miller,  
Stoddard,

Mr. Strong,  
Wade,  
J. B. Wilson,  
Winans,  
Woodman,  
Woodward,

20

## NAYS.

Mr. Adams,  
Alexander,  
Baker,  
Beamer,  
Blakeslee,  
Childs,  
Chapoton,  
Cook,  
Cutcheon,  
Douglas,  
Follett,  
Goodrich,  
Gregory,  
A. L. Green,

Mr. Henderson,  
Hemingway,  
Howell,  
Hurd,  
Joy,  
Kelsey,  
Leetch,  
Lockwood,  
Morrison,  
Moore,  
Peterson,  
Phelps,  
Piper,  
Pratt,

Mr. Pringle,  
Rankin,  
Sessions,  
Smith,  
W. N. Stevens,  
A. Stevens,  
Stewart,  
Taylor,  
Tibbits,  
Toll,  
Warner,  
Waterbury,  
T. M. Wilson,  
Speaker,

42

Mr. Childs moved that the bill be ordered engrossed for a third reading.

Mr. Gregory moved that the House adjourn ;

Which motion did not prevail.

The question recurring upon ordering the bill to a third reading,

The motion prevailed.

On motion of Mr. Alexander,

The House adjourned till to-morrow morning at 10 o'clock.

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*Lansing, Thursday, February 7, 1861.*

House met pursuant to adjournment, and was called to order by the Speaker.

Prayer by Rev. Mr. Meyer.

Roll called : quorum present.

Absent at roll call without leave, Messrs. Atwood and Wade.



Mr. Toll asked and obtained leave of absence for Mr. Atwood for an indefinite time, on account of sickness.

Mr. Hill asked and obtained leave of absence for Mr. Wade for an indefinite time, on account of sickness.

PETITIONS PRESENTED.

By Mr. Fowle: petition of H. S. Hewitt, J. O. Ames and 25 others, of the village of Hillsdale, praying for the enactment of a stringent usury law ;

Referred to the committee on judiciary.

By Mr. Phelps : petition of Robert Linn and three others, citizens of Detroit, for the repeal of the personal liberty laws;

Also, petition of Geo. Moran and 68 others, for the same purpose;

Also, petition of E. A. Brush and 79 others, for the same purpose;

Referred to the committee on judiciary.

By Mr. Adams : petition of S. W. Walker, O. C. Hill, and 38 others, praying for a law providing for a county superintendent of schools in each organized county in this State; also that the number of township school inspectors be reduced to one in each township, and that the county superintendent be elected by those inspectors assembled in convention for that purpose;

Referred to the committee on education.

By Mr. Adams : petition of T. P. Sheldon, John Dudgeon, and 41 others, praying for such an amendment of the constitution as to allow the Legislature to enact a banking law, similar to that of Ohio and Indiana;

Referred to the committee on banks and incorporations.

By Mr. Howell: petition of Geo. Buckhart and others, of Newaygo county, praying for the passage of a stringent usury law;

Referred to the committee on judiciary.

By Mr Choate: petition of Elias W. Hedges, Andrew J. Keeney, John Paxten, and 93 others, citizens of Monroe county, praying that a law may be enacted providing that persons owning lands bordering on Lake Erie, in the county of Monroe,



shall own the exclusive right of fishing in said lake opposite their own land, to the boundary line of said State;

Referred to the committee on judiciary.

By Mr. Pratt : petition of John Johnson and 43 others, praying for a law providing for a county superintendent of schools ;

Referred to the committee on education.

By Mr. A. L. Green: petition of N. A. Yates, Geo. W. Andrews, Wm. A. Wells, and 44 others, citizens of Sunfield, in the county of Eaton, asking for an appropriation of non-resident highway tax for the improvement of a road leading from Bellevue, in Eaton county, to Ionia, in Ionia county ;

Referred to the committee on roads and bridges.

By Mr. Wallin: petition of A. N. Crawford and 22 others, citizens of Allegan county, praying that section 140 of the school laws may be left unimpaired ;

Referred to the committee on education.

By Mr. Hill : petition of the common council of East Saginaw for an amendment of the city charter;

Referred to the committee on banks and incorporations.

By Mr. Hemingway : remonstrance of the county officers and others of Iosco county, against the removal from office of Hon. W. F. Woodworth;

On motion of Mr. Hemingway,

The remonstrance was ordered printed in the journal.

The following is the remonstrance:

*To the Senate and House of Representatives of the State of Michigan :*

The subscribers, county officers and citizens of Iosco county, respectfully remonstrate against the removal from office of Hon. W. F. Woodworth, circuit judge, 10th judicial circuit:

James O. Whittemore, County Clerk and Register of Deeds.

Josiah C. Tolfew, Justice of the Peace.

Charles C. Whittemore, Justice of the Peace.

F. H. Eldred, Sheriff.

Samuel Goe Webster.

Charles H. Whittemore, County Treasurer.



Charles Slunt.

George W. Oliver, Coroner.

Andrew Oliver.

John Oliver, J. P.

REPORTS OF STANDING COMMITTEES.

By the committee on militia :

The committee on militia, agreeable to a resolution passed by the House on the 5th of the present month, requiring them to obtain the written opinion of the Attorney General, in regard to the constitutionality of section one of House bill No. 72, being  
A bill to provide a military contingent force and fund,

Would respectfully report that they have obtained the same, which they herewith submit for the consideration of the House, and ask to be discharged from the further consideration of the same.

A. W. DAVIS, *Chairman.*

Report accepted and committee discharged.

Mr. Howell called for the reading of the communication of the Attorney General.

The communication having been read by the clerk,

On motion of Mr. A. W. Davis,

The same was ordered printed in the journal.

The following is the communication:

ATTORNEY GENERAL'S OFFICE, }  
Lansing, February 6, 1861. }

HON. A. W. DAVIS, *Chairman of the Committee on Militia, House of Representatives:*

SIR:—In reply to the inquiry of your committee, as to the constitutionality of section 1 of “a bill to provide a military fund and force,” made in pursuance of a resolution of the House of Representatives, passed February 5th, 1861, I submit the following:

The section of the bill referred to cannot well be considered separate and apart from the preamble and other portions of the bill, as said section 1 only provides for authorizing the Governor and State Treasurer, in the name of the people of the State, to



negotiate a loan not exceeding the sum of one hundred thousand dollars, without specifying the object or purpose of the loan.

The constitution having limited the power of the legislature to contract debts, it results that when any debt is sought to be contracted by legislative authority it must be comprehended within the constitutional provisions.

By section 7, of article 14, of the constitution, it is provided that "no scrip, certificate, or other evidence of State indebtedness shall be issued except for the redemption of stock previously issued, or for such debts as are expressly authorized in this constitution."

By section three of the same article, it is provided that "the State may contract debts to meet deficits in the revenue. Such debts shall not, in the aggregate, at any one time exceed fifty thousand dollars."

It is believed that the State has already contracted the full amount of indebtedness permitted under this clause of the constitution, and the section of the bill in question does not seem to claim any authority to negotiate the said loan under said clause, but from the preamble and other parts of said bill it is inferred that the authority for such loan is supposed to be found in section four of said article fourteen of the constitution, which provides that "the State may contract debts to repel invasion, suppress insurrection, or defend the State in time of war."

It is apparent from the language used, that the invasion to be repelled, contemplated by the Constitution, is an invasion of this State, and the insurrection to be suppressed is an insurrection within the State; while the phrase "in time of war," must have a more comprehensive and extended signification.

It is peculiarly the province of the Legislature to determine when the emergency or necessity, in any of the three cases specified in the Constitution, exists.

If in the judgment of the Legislature it is necessary, for the purpose of repelling any actual or threatened invasion of the State, or of suppressing any insurrection within it, to raise the money contemplated by the section referred to, or if, in the



judgment of the Legislature, a war is now existing which renders it necessary to make said loan for the purpose of defending the State, then, in my opinion, such loan is authorized to be made now, by the Constitution. If, however, no such necessity is found to exist, I can see no constitutional authority for making the loan contemplated by said section 1 of the bill referred to ; and from the preamble to said bill, it would seem that it may be intended for a more general purpose, though perhaps one not less patriotic and praiseworthy.

Very respectfully,

CHARLES UPSON.

By the committee on agriculture and manufactures :

The committee on agriculture and manufactures, to whom was referred the petition of Chester Yost, A. C. Blodgett and 134 others, asking for the repeal of an "act for the encouragement of agriculture, manufactures and the mechanic arts," approved March 16, 1849,

Would respectfully report that they have had the same under consideration, and after careful examination and inquiry, it is the opinion of your committee that this act, having been in force for more than ten years, all the older and more thickly settled counties have had sufficient opportunity to avail themselves of its advantages, and that the majority of the tax payer of such counties desire no longer to be compelled to pay a tax for the support of county societies, as provided for by said act ; while for the benefit of other counties that have but recently, or may yet desire to avail themselves of the advantages of this act, for the purpose of establishing and giving permanency to agricultural societies in such counties, the said act should not be repealed. Therefore, your committee would respectfully recommend that the said act be so amended, as to leave it at the discretion of the board of supervisors of each county, to levy such tax or not, as they may think the interests of their counties may require. And accordingly, your committee have instructed me



to report back to the House said petition, accompanied by a bill entitled

A bill to amend an act entitled an act for the encouragement of agriculture, manufactures and the mechanic arts, approved March 16, 1849, and the acts amendatory thereto, approved February 6, 1855.

Proposing thus to amend said act, we recommend that such bill do pass, and ask to be discharged from the further consideration thereof.

JAMES WEBSTER CHILDS, *Chairman.*

Report accepted and committee discharged.

The bill was read a first and second time by its title, ordered printed, referred to the committee of the whole, and placed on the general order.

By the committee on the judiciary :

The committee on the judiciary to whom was referred

A bill to repeal an act entitled an act to provide against the recovery of damages done by beasts on lands not enclosed by a lawful fence, approved March 17, 1847, being sec. 628, of the compiled laws,

Respectfully report that they have had the same under consideration, and return it to the House with the accompanying amendments, recommending that the amendments be concurred in, and that it do pass, and ask to be discharged from the further consideration of the same.

THOS. W. LOCKWOOD, *Chairman.*

Report accepted and committee discharged.

On motion of Mr. Childs,

The House concurred in the amendments made by the committee.

The bill was ordered printed, referred to the committee of the whole, and placed on the general order.

By the committee on engrossment and enrollment :

The committee on engrossment and enrollment report as correctly enrolled, signed and presented to the Governor, the following entitled bill :



A bill relating to the duties of township and county officers, concerning receipts for moneys paid into the county treasury.

A. L. GREEN, *Chairman*.

Report accepted.

By the committee on ways and means:

The committee on ways and means, to whom was referred

Joint resolution authorizing the State Treasurer to provide for the interest due upon the bonds of the State, in July and January next, and to pay the interest thereon, and upon the floating debt of the State,

Have considered the same, and have instructed me to report the same back without amendment, recommend its passage and ask to be discharged from the further consideration of the same.

J. F. JOY, *Chairman*.

Report accepted and committee discharged.

On motion of Mr. Howell,

The joint resolution was placed on the order of third reading.

By the committee on ways and means:

The committee of ways and means, to whom was referred

A bill to repeal an act to authorize Bay county to raise money by the issue of bonds to aid in the construction of a road, approved February 14, 1859,

Have had the same under consideration, and have instructed me to report the same back without amendment, recommend its passage, and ask to be discharged from the further consideration of the same.

JAMES F. JOY, *Chairman*.

Report accepted and committee discharged.

On motion of Mr. Joy,

The rules were suspended, and the bill put upon its final passage.

House bill, being

A bill to repeal an act to authorize Bay county to raise money by the issue of bonds to aid in the construction of a road, approved February 14, 1859,



Was then read a third time and passed, a majority of all the members elect voting therefor, by yeas and nays, as follows :

## YEAS.

Mr. Adams,	Mr. A. L. Green,	Mr. Ramsdell,
Alexander,	N. K. Green,	Rankin,
Beamer,	Hadley,	Read,
Blakeslee,	Haire,	Sessions,
Brownell,	Henderson,	Shank,
Bunce,	Hemingway,	Smith,
Chase,	Hodges,	A. Stevens,
Childs,	Hood,	Stewart,
Choate,	Howell,	Stoddard,
Chapoton,	Jones,	Strong,
Cook,	Joy,	Taylor,
Cooley,	Kanouse,	Tibbits,
Cox,	Leetch,	Toll,
Cutcheon,	Lockwood,	Wallin,
A W. Davis,	Morrison,	Warner,
Ira Davis,	Moore,	Waterbury,
Douglas,	Persons,	Wheeler,
Fallass,	Peters,	T. M. Wilson,
Follett,	Peterson,	J. B. Wilson,
Foote,	Phelps,	Winans,
Fowle,	Piper,	Woodman,
Gilbert,	Pratt,	Woodward,
Goodrich,	Pringle,	Speaker,
Gregory,		70

## NAYS.

0

Title agreed to.

On motion of Mr. Joy,

By a vote of two-thirds of all the members elect, the bill was ordered to take immediate effect.

By the committee on engrossment and enrollment:

The committee on engrossment and enrollment report as correctly enrolled, signed and presented to the Governor, the following entitled bill:

A bill to extend the time for the collection of taxes in the county of Wayne.

A. L. GREEN, *Chairman.*

Report accepted.

By the committee on ways and means :

The committee on ways and means, to whom was referred



the petitions of L. S. White, and John R. Stewart and others, and John M. Fallass, relative to the powers of the Auditor General to recall tax deeds in certain cases,

Have had the same under consideration, and have instructed me to report that owing to a decision of the Supreme Court deciding that that portion of the act for assessing property at its true value, and levying and collecting taxes thereon, which confers jurisdiction on the Circuit Court Commissioner, was unconstitutional and void, it has in their judgment become necessary to revise that act to some extent, obviating this and some other objections to its provisions, in order to render it more efficient in its results.

In so doing they have adopted in the main the suggestions of the late Auditor General who seems to have bestowed much consideration upon the subject. In accordance with his suggestions, the committee have concluded to recommend that the interest on tax sales be raised from 15 to 25 per cent. from the time of the redemption of taxes in February to the time of the sale by the Auditor General, after which time it shall be 50 per cent. for two years, during which time they have deemed it expedient that the right of redemption should exist—of which amount of these lands are redeemed, 40 per cent. shall belong to the purchaser and 10 per cent. to the State. After the expiration of the time for redemption, the committee have thought proper to recommend that the period of limitation within which suits may be brought to test the validity of the tax title, should be five instead of three years, as is the case under the present law, deeming that period too short.

They have recommended, also, that the Auditor General have the authority to recall and correct tax deeds in the following cases, viz: Where the land was not subject to taxation; where the taxes had been paid; and where the deed is void by reason of any error in his office, for which the owner was in no way responsible. These provisions seem to the committee to be just, and that this power should be with the Auditor General seems eminently proper.



The committee think these amendments will obviate the defects in the present law, and while the high rate of interest will induce proper payment of taxes, there will also be a reasonable reliance to be placed upon the tax title, both of which are important to the revenues of the State.

The committee therefore, have directed me to report a bill entitled

A bill to amend an act entitled an act to provide for assessing property at its true value, and for levying and collecting taxes thereon, approved February 14, 1853, and the acts amendatory thereto, approved February 12, 1855, approved February 4, 1858 ;

Embodying these provisions, and recommend its passage, which is herewith respectfully submitted, and ask to be discharged from the further consideration of the subject.

JAMES F. JOY, *Chairman.*

Report accepted and committee discharged.

The bill was read a first and second time by its title, ordered printed, referred to the committee of the whole, and placed on the general order.

By the committee on towns and counties :

The committee on towns and counties, to whom was referred

A bill to organize the township of Superior, in the county of Marquette,

Have had the same under consideration, and direct me to report in favor of the bill, with the recommendation that the same do pass, and ask to be discharged from the further consideration of the same.

J. B. WILSON, *Chairman.*

Report accepted and committee discharged.

The bill was ordered printed, referred to the committee of the whole, and placed on the general order.

By the committee on towns and counties :

The committee on towns and counties, to whom was referred

A bill to locate and establish the county seat of Mason county,



Have had the same under consideration, and believing the same to be the desire of the people of said county, direct me to report in favor of the bill, and recommend its passage, and ask to be discharged from the further consideration of the same.

J. B. WILSON, *Chairman.*

Report accepted and committee discharged.

The bill was ordered printed, referred to the committee of the whole, and placed on the general order.

By the committee on towns and counties :

The committee on towns and counties, to whom was referred

A bill to organize the township of Carp River, in the county of Marquette;

Have had the same under consideration, and direct me to report in favor of the bill, and recommend its passage, and ask to be discharged from the further consideration of the same.

J. B. WILSON, *Chairman.*

Report accepted and committee discharged.

The bill was ordered printed, referred to the committee of the whole, and placed on the general order.

By the committee on banks and incorporations :

The committee on banks and incorporations, to whom was referred

A bill to provide for the formation of companies for the construction of canals and improvement of harbors,

Have had the same under consideration, and report the same back to the House, without amendment, and recommend that the bill be printed and placed upon the general order, and ask to be discharged from the further consideration thereof.

E. PRINGLE, *Chairman.*

Report accepted and committee discharged.

The bill was ordered printed, referred to the committee of the whole, and placed on the general order.

#### COMMUNICATIONS FROM STATE OFFICERS.

The Speaker announced the following communication from the Auditor General:



AUDITOR GENERAL'S OFFICE, }  
Lansing, February 1, 1861. }

*Hon. Dexter Mussey, Speaker of the House of Representatives:*

In compliance with a resolution passed by the House on the 12th January, ult., I have the honor to transmit the following report:

1. The amount of delinquent taxes for 1859, returned to this office for collection (see Schedule "K" Auditor Gen.'s Report, 1860) is..... \$319,769 82

Of this amount, the portion returned as State tax

is..... 20,129 38

No State tax was returned *separately* from Manistee county, and none whatever from Houghton county; both are omitted from the above amount of State tax returned.

2. The amount of delinquent taxes for 1859, paid at this office, to January 1, 1861, is as follows:

On Auditor General's receipts,..... \$60,086 97

On sales to individuals by the county treasurers at

annual tax sales in October last, (excepting sales in Saginaw county which the county treasurer

has refused to settle) about..... 60,657 65

On sales and redemption of State bids since October, 3,000 00

3. The amount of State tax included in State bids,

about..... 3,100 00

4. With reference to "whether all the money received by the State up to the first day of January, 1861, on account of the delinquent taxes returned from the several counties not indebted to the State, other than State tax, have been paid over to the several counties in accordance with section 856 of the compiled laws," the law has not been *literally* complied with. In the collection of taxes, the *modus*, based upon the fact that the account with the several counties upon the books of this office is of the nature of a collection account purely, is this: Each county is credited with the entire amount of its delinquent taxes returned, less the amount of rejections for erroneous assessments and irregular descriptions, and interest allowed from



the first day of February, at which time the State tax falls due; the credit side of the account also receives all moneys paid in by the county treasurer; the debit side receives the State tax, taxes charged back, amount collected by the county treasurer, and cash paid to the treasurer. The cash account is stated as follows, whenever desired: Suppose the county to have a credit balance on the ledger, and the time to be after the October sales—to the credit balance is added all collections at this office not in the ledger balance; from this amount is deducted, the amount of uncollected taxes and any other debit item which may not have reached the ledger; the balance, if any is cash due the county. For example:

## SANILAC COUNTY.

January 30, 1861, (reference being had to Schedule I, J, K, Auditor General's report 1860, for ledger balances, State bids and State tax lands.)

Ledger balance,.....	\$7,455 54	
Add for collections, since sales, at this office, .....	639 31	
	<hr/>	\$8,094 85
Deduct amount of State bids and State tax lands,.....	\$6,784 65	
Cash p'd county treasurer, not in ledger,	500 00	
Redemptions received by county treasurer, not in ledger,.....	165 28	
Cancelled taxes, to be charged back, not in ledger, (say).....	244 92	
	<hr/>	7,694 85
		<hr/>
Cash balance in favor of the county, .....		<u>\$400 00</u>

## MANISTEE COUNTY.

Ledger balance,.....	\$3,289 86	
Collections, since sales, at this office, ..	28 68	
	<hr/>	\$3,318 54
Take State bids and State tax lands, ..	\$1,360 48	



Canal land taxes, (see table annexed),	2,244 06	
Taxes to be charged back, (say).....	125 00	
	<hr/>	3,729 49
Cash balance in favor of the State,.....		<u>\$410 95</u>

## HOUGHTON COUNTY.

Ledger balance,.....	\$6,391 22	
Collections at the office since sales,....	68 23	
	<hr/>	\$6,454 45
Take State bids and State tax lands,..	\$3,817 06	
Canal land taxes, (see table annexed,)	4,481 01	
Taxes to be charged back, say,.....	100 00	
	<hr/>	8,398 07
Cash balance in favor of the State,.....		<u>\$1,943 62</u>

## WAYNE COUNTY.

Ledger balance, (debit),.....	\$12,803 20	
Add State bid and State tax land,.....	10,826 08	
Taxes to be charged back, say,.....	200 00	
	<hr/>	\$23,289 28
Deduct collections at this office since sales,.....		516 59
Cash balance in favor of the State,.....		<u>\$22,772 69</u>

At first glance, it might appear improbable that new counties like Manistee and Houghton, should be in debt to the State, in cash account. The fact is readily accounted for in the consideration that the State advances the printing charges and all the other expenses attending the October sales, while the collections at this office are insufficient to cancel the State tax.

5. The amount of canal land taxes returned to this office for the years 1856, 1857, 1858 and 1859, is as follows (see table annexed.)

6. The amount due the several counties of the Upper Peninsula on account of specific mining taxes, is as follows :

Due Houghton county,.....	\$ 604 52
Due Ontonagon county,.....	3,873 92



Thus far this report has been confined to the questions proposed in the resolution of inquiry ; but for a more complete understanding of the matter, I have thought it advisable to add as follows : The former part of this communication appears to account for only a portion of the amount of delinquent taxes returned ; the entire returns are accounted for thus :

Total returns,.....	\$319,769 82
Amount accounted for above on Auditor General's receipts and county sales,.....	\$120,744 62
	<hr/>
Balance,.....	\$199,025 20
Of this amount there has been paid to county treasurers and charged over to the several counties, upon abstracts of receipts as reported by them,.....	\$125,228 68
A further amount is incorpo- rated in State bids, (Sched- ule J.).....	\$66,864 02
Less printing charges and interest,.....	13,574 45
	<hr/>
	52,789 57
Amount of canal taxes, (see accompanying table,).....	19,602 98
Leaving an amount for canceled taxes to be charged back to counties, of...	1,403 97
	<hr/>
	<u>199,025 20</u>

All of which is respectfully submitted.

LANGFORD G. BERRY,  
*Auditor General.*



*Statement of Delinquent Taxes Returned upon "Canal Lands"  
to Auditor General's Office by Counties.*

COUNTIES.	1856.	1857.	1858.	1859.	TOTAL.
Alpena, .....			\$ 117 39		\$ 117 39
Cheboygan, .....		64	71 44		72 08
Grand Traverse,.....	61	583 89	1,020 47	\$1,030 07	2,635 04
Gratiot, .....	8 00		80 41	511 08	600 04
Houghton,.....		1,250 28	1,254 56	1,968 17	4,481 01
Ionia, .....				172 08	172 08
Isabella,.....				2,570 09	2,570 09
Mackinac, .....		99 21	219 95	314 04	633 20
Manistee,.....	385 42	380 87	453 11	1,019 06	2,244 06
Marquette, .....	877 18	1,935 50	1,966 46	1,559 03	6,338 17
Mason, .....	339 80	107 99	593 53	981 78	1,974 10
Mecona,.....				800 45	800 45
Midland, .....	10 28	2,408 38	3,142 78	2,546 30	8,102 74
Montcalm, . . . . .	1,456 78	47 40	387 79	2,071 34	3,963 31
Newaygo, .....	363 60	964 52	1,691 03	912 09	3,931 24
Oceana, .....	39	310 70	946 15	1,202 23	2,469 47
Ontonagon,.....	1,626 34	1,176 71	2,021 27	1,873 09	6,697 41
Sanilac, .....		8 05			8 05
Tuscola, .....	52 47	65 41	47 04	60 98	225 90
	\$5,121 47	\$9,341 55	\$14,018 38	\$19,602 98	\$48,084 38

NOTE.—The above table includes no interest—only taxes ; while the amounts are included in the credits of delinquent taxes to the several counties, and have borne interest from the first of February in the year following their assessment. To produce a corresponding amount, interest should be added, or \$7,300. Also, an amount for expenses of sale for 1856 and 1857 paid by the State, \$2,680 30.

MESSAGES FROM THE SENATE.

The Speaker announced the following :

SENATE CHAMBER,  
Lansing, February 6, 1861. }

*To the Speaker of the House of Representatives :*

SIR:—I am instructed by the Senate to transmit the following entitled bill :

A bill to authorize the First Presbyterian Society in Ann Arbor, to borrow money and secure the payment thereof;

Which has passed the Senate by a majority vote of all the Senators elect, and by a vote of two-thirds of all the Senators elect, been ordered to take immediate effect, and in all of which the concurrence of the House is respectfully asked.

Very respectfully,

A. B. TURNER,

*Secretary of the Senate.*

The bill was read a first and second time by its title, and referred to the committee on banks and incorporations.

Also the following :



SENATE CHAMBER,  
*Lansing, February 6, 1861.* }

*To the Speaker of the House of Representatives:*

SIR :—I am instructed by the Senate to transmit the following entitled bills :

A bill to amend an act entitled an act relative to plank roads, approved March 13, 1848;

A bill to abolish the office of District Attorney in the Upper Peninsula;

Which have passed the Senate by a majority vote of all the Senators elect, and in which the concurrence of the House is respectfully asked.

Very respectfully,

A. B. TURNER,  
*Secretary of the Senate.*

The first named bill was read a first and second time by its title, and referred to the committee on banks and incorporations,

The second named bill was read a first and second time by its title, and referred to the committee on judiciary.

MOTIONS, RESOLUTIONS AND NOTICES.

Mr. Hill gave notice that on some future day he would ask leave to introduce

A bill to amend the charter of the city of East Saginaw.

Mr. Howell offered the following :

*Resolved*, That it be referred to the committee on the judiciary to inquire and report on the expediency of abolishing probate courts, and transferring the business of such courts to the circuit courts, by an amendment to the constitution;

Which was adopted.

Mr. Phelps offered the following :

*Resolved*, That the committee on printing be requested to furnish this House, at their earliest convenience, with the copies of the Governors' messages, ordered printed in the German, French and Holland language;

Which was adopted.



Mr. Henderson gave notice that on some future day he would ask leave to introduce

A bill to amend an act entitled an act to incorporate the city of Battle Creek, approved February 5, 1859 ;

Also,

A bill to establish a municipal court in the city of Battle Creek.

Mr. Lockwood moved that the committee of the whole be discharged from the further consideration of Senate bill No. 11, being

A bill to amend sections 4339, 4340, 4341 and 4342 of the compiled laws, in relation to evidence ;

Which motion prevailed.

On motion of Mr. Lockwood,

The bill was recommitted to the committee on judiciary.

Mr. Hodges moved that the committee of the whole be discharged from the further consideration of Senate bill ,entitled

A bill to change the name of Cynthia Massey to Tinnie Young;

Which motion prevailed.

On motion of Mr. Hodges,

The bill was ordered to a third reading.

Mr. T. M. Wilson moved that the committee of the whole be discharged from the further consideration of Senate bill entitled

A bill to change the name of William Franklin Kelley;

Which motion prevailed.

On motion of Mr. T. M. Wilson,

The bill was ordered to a third reading.

Mr. Lockwood offered the following:

*Resolved*, That 5000 copies of the address of the Hon. Alexander Campbell, delivered in this hall last evening, on the resources and prospects of the Upper Peninsula of Michigan, be printed, 1000 of which shall be placed in the hands of Mr. Campbell, and the remainder for the use of the members of the legislature;

Which was adopted.

Mr. Howell, unanimous consent being given, introduced



A bill giving to circuit courts jurisdiction in the nature of a *quo warranto* in certain cases.

The bill was read a first and second time by its title, and referred to the judiciary committee.

Mr. Ramsdell, previous notice having been given, and leave being granted, introduced

A bill to lay out and establish a State road from Traverse city, in Grand Traverse county, via. Elk Rapids, to Little Traverse village, in Emmet county, and to appropriate swamp lands for the construction of the same.

The bill was read a first and second time by its title, and referred to the committee on public lands.

Mr. Ramsdell, previous notice having been given, and leave being granted, introduced

A bill to lay out and establish a State road from Manistee, in Manistee county, to Northport, in Lelawar county, and to appropriate swamp lands for the construction of the same.

The bill was read a first and second time by its title, and referred to the committee on public lands.

Mr. Taylor, previous notice having been given, and leave being granted, introduced

A bill to lay out and establish a State road from Englishville, in Kent county, to Croton, in Newaygo, thence to Big Rapids, in Mecosta county, and an appropriation of swamp lands thereon.

The bill was read a first and second time by its title, and referred to the committee on public lands.

Mr. Peterson, previous notice having been given, and leave being granted, introduced

A bill to amend section 78, chapter 17, of the compiled laws, relative to the collection of taxes.

The bill was read a first and second time by its title, and referred to the committee on ways and means.

Mr. Stewart moved that the committee of the whole be discharged from the further consideration of Senate bill, entitled

A bill to change the name of Nellie Frances Augur ;

Which motion prevailed.



On motion of Mr. Stewart,

The bill was ordered to a third reading.

Mr. Stoddard moved that the committee of the whole be discharged from the further consideration of Senate bill, entitled

A bill to change the name of Alonzo M. Baldwin ;

Which motion prevailed.

On motion of Mr. Stoddard,

The bill was ordered to a third reading.

Mr. Lockwood asked and obtained the unanimous consent of the House to take from the table the motion to reconsider the vote upon ordering the bill, entitled

A bill to extend the time for the collection of taxes in the county of Wayne,

To take immediate effect.

The motion to reconsider prevailed.

The question recurring upon ordering the bill to take immediate effect, by a vote of two-thirds of all the members elect, the bill was so ordered.

Mr. A. Stevens moved that the committee of the whole be discharged from the further consideration of a bill, entitled

A bill to provide for the laying out of certain highways less than four rods wide ;

Which motion prevailed.

On motion of Mr. A. Stevens,

The bill was placed on the order of third reading.

Mr. Fallass gave notice that on some future day he would ask leave to introduce

A bill to amend the charter of the village of Lowell, in Kent county.

Mr. A. W. Davis offered the following :

*Resolved*, That the Governor be requested to furnish to this House at his earliest convenience, a true statement of all arms, accoutrements, ordnance, and other military stores furnished this State by the General Government, number of pieces of ordnance and number of stand of arms now in the State, where stored and in what condition, what amount of ordnance and



arms have been sold, if any, and at what price and by what authority, and state what condition the same was in when sold and to whom sold, and what has been done with the proceeds of the same,

Which was adopted.

Mr. Morrison moved that the committee of the whole be discharged from the further consideration of House bill No. 20, being

A bill to apportion anew the representatives among the several counties and districts of this State;

Which motion prevailed.

On motion of Mr. Morrison,

The bill was recommitted to the committee on State affairs.

Mr. Stoddard gave notice that on some future day he would ask leave to introduce

A bill to provide for laying out and constructing a State road from Lapeer, in Lapeer county, to Sebewaing, in Huron county.

#### THIRD READING OF BILLS AND JOINT RESOLUTIONS.

Senate bill, being

A bill to change the name of Clarissa Melissa Wing to Clara Barnes,

Was read a third time and passed, a majority of all the members elect voting therefor, by yeas and nays, as follows :

#### YEAS.

Mr. Adams,  
Alexander,  
Atwood,  
Beamer,  
Blakeslee,  
Brownell,  
Bunce,  
Chase,  
Childs,  
Choate,  
Chapoton,  
Cook,  
Cooley,  
Cox,

Mr. A. L. Green,  
N. K. Green,  
Hadley,  
Haire,  
Hemingway,  
Hill,  
Hodges,  
Hood,  
Howell,  
Hurd,  
Jones,  
Joy,  
Kelsey,  
Leetch,

Mr. Pringle,  
Ramsdell,  
Rankin,  
Read,  
Sessions,  
Shank,  
Smith,  
A. Stevens,  
Stewart,  
Stoddard,  
Strong,  
Taylor,  
Tibbits,  
Toll,



A. W. Davis,  
Ira Davis,  
Douglas,  
Fallass,  
Foote,  
Fowle,  
Goodrich,  
Gregory,

Lockwood,  
Miller,  
Moore,  
Persons,  
Peters,  
Peterson,  
Phelps,  
Pratt,

Wallin,  
Waterbury,  
Wheeler,  
T. M. Wilson,  
J. B. Wilson,  
Woodman,  
Woodward,  
Speaker,

66

NAYS.

0

Title agreed to.

On motion of Mr. Pringle,

By a vote of two-thirds of all the members elect, the bill was ordered to take immediate effect.

House bill, entitled

A bill to attach certain territory to the township of Geneva, in Tuscola county,

Was read a third time and passed, a majority of all the members elect voting therefor, by yeas and nays, as follows:

YEAS.

Mr. Adams,  
Alexander,  
Atwood,  
Blakeslee,  
Brownell,  
Bunce,  
Chase,  
Childs,  
Choate,  
Cox,  
A. W. Davis,  
Ira Davis,  
Douglas,  
Foote,  
Fowle,  
Gilbert,  
Goodrich,  
Gregory,  
A. L. Green,

Mr. N. K. Green,  
Hadley,  
Haire,  
Hemingway,  
Hill,  
Hodges,  
Hood,  
Hurd,  
Jones,  
Joy,  
Kelsey,  
Leetch,  
Lockwood,  
Miller,  
Morrison,  
Moore,  
Peterson,  
Phelps,  
Piper,

Mr. Pratt,  
Rankin,  
Sessions,  
Shank,  
Smith,  
A. Stevens,  
Stewart,  
Stoddard,  
Strong,  
Taylor,  
Tibbits,  
Toll,  
Wallin,  
Waterbury,  
J. B. Wilson,  
Winans,  
Woodman,  
Woodward,  
Speaker,

57

NAYS.

Mr. Cooley,

Mr. Howell,

Mr. Persons,

3

Title agreed to.

On motion of Mr. Stoddard,



By a vote of two-thirds of all the members elect, the bill was ordered to take immediate effect.

Senate bill, being

A bill to repeal an act entitled an act to amend chapter 28 of the revised statutes of 1846, relative to highway taxes, approved April 2, 1850,

Was read a third time and passed, a majority of all the members elect voting therefor, by yeas and nays, as follows:

#### YEAS.

Mr. Adams,	Mr. Henderson,	Mr. Phelps,
Alexander,	Hemingway,	Piper,
Blakeslee,	Hill,	Pringle,
Brownell,	Hodges,	Ramsdell,
Bunce,	Hood,	Rankin,
Chase,	Howell,	Read,
Childs,	Hurd,	Sessions,
Cox,	Joy,	Smith,
A. W. Davis,	Kanouse,	A. Stevens,
Ira Davis,	Kelsey,	Stoddard,
Fowle,	Leetch,	Strong,
Gilbert,	Lockwood,	Taylor,
Goodrich,	Miller,	Tibbits,
Gregory,	Morrison,	Wheeler,
A. L. Green,	Moore,	J. B. Wilson,
N. K. Green,	Peters,	Winans,
Hadley,	Peterson,	Woodman,
Haire,		

52

#### NAYS.

Mr. Persons,	Mr. Stewart,	Mr. Wallin.
Shank,		

4

Title agreed to.

House bill, entitled

A bill to amend an act entitled an act to provide punishment for fraudulently removing or embezzling property under chattel mortgages, approved February 15th, 1859,

Was read a third time and passed, a majority of all the members elect voting therefor, by yeas and nays, as follows:

#### YEAS.

Mr. Adams,	Mr. Hemingway,	Mr. Read,
Alexander,	Hill,	Sessions,
Blakeslee,	Hodges,	Shank,



Bunce,  
Chase,  
Childs,  
Choate,  
Ira Davis,  
Fallass,  
Foote,  
Fowle,  
Gilbert,  
Goodrich,  
Gregory,  
A. L. Green,  
N. K. Green,  
Hadley,  
Henderson,

Hood,  
Howell,  
Hurd,  
Joy,  
Kanouse,  
Leetch,  
Morrison,  
Moore,  
Persons,  
Peterson,  
Phelps,  
Piper,  
Pratt,  
Ramsdell,  
Rankin,

Smith,  
A. Stevens,  
Stewart,  
Strong,  
Taylor,  
Tibbits,  
Toll,  
Wallin,  
Waterbury,  
Wheeler,  
T. M. Wilson,  
Winans,  
Woodman,  
Speaker,

59

## NAYS.

Mr. Atwood,  
Beamer,  
Cooley,  
Cox,

Mr. A. W. Davis,  
Haire,  
Lockwood,

Mr. Miller,  
Pringle,  
Stoddard,

10

Pending the announcement of the vote,

Mr. Shank moved that Mr. Waterbury be excused from voting;

Which motion did not prevail.

Mr. Waterbury then voted as recorded above.

The title was agreed to.

Senate bill, being

A bill to authorize the sale, by the State Treasurer, of two thousand copies of the compiled laws,

Was read a third time and passed, a majority of all the members elect voting therefor, by yeas and nays, as follows :

## YEAS.

Mr. Adams,  
Alexander,  
Beamer,  
Blakeslee,  
Bunce,  
Chase,  
Childs,  
Choate,  
Chapoton,  
Cook,  
Cooley,

Mr. N. K. Green,  
Hadley,  
Haire,  
Henderson,  
Hill,  
Hodges,  
Hood,  
Howell,  
Jones,  
Joy,  
Kanouse,

Mr. Pratt,  
Ramsdell,  
Rankin,  
Reed,  
Sessions,  
Shank,  
A. Stevens,  
Stewart,  
Stoddard,  
Strong,  
Taylor,



Cox,  
A. W. Davis,  
Ira Davis,  
Fallass,  
Foote,  
Fowle,  
Gilbert,  
Goodrich,  
Gregory,  
A. L. Green,

Kelsey,  
Leetch,  
Lockwood,  
Miller,  
Morrison,  
Persons,  
Peters,  
Peterson,  
Phelps,  
Piper,

Tibbits,  
Toll,  
Wallin,  
Waterbury,  
Whceler,  
T. M. Wilson,  
Winans,  
Woodman,  
Speaker,

62

NAYS.

0

Title agreed to.

On motion of Mr. Ramsdell,

By a vote of two-thirds of all the members elect, the bill was ordered to take immediate effect.

House bill, entitled

A bill to amend act No. 129, of the session laws of 1859, relative to the charter of the city of Detroit, approved February 12, 1859,

Being under consideration,

Mr. Lockwood moved to lay the bill on the table;

Which motion prevailed.

House bill, entitled

A bill to provide for publishing the statistics of the State of Michigan, taken by authority of the United States in the year 1860,

Was read a third time and passed, a majority of all the members elect voting therefor, by yeas and nays, as follows :

YEAS.

Mr. Adams,  
Beamer,  
Blakeslee,  
Brownell,  
Bunce,  
Childs,  
Cox,  
Cutcheon,  
Ira Davis,  
Fallass,  
Gilbert,  
Goodrich,

Mr. Henderson,  
Hemingway,  
Hill,  
Howell,  
Joy,  
Leetch,  
Lockwood,  
Miller,  
Morrison,  
Persons,  
Peters,  
Peterson,

Mr. Rankin,  
Read,  
Sessions,  
Shank,  
A. Stevens,  
Stewart,  
Taylor,  
Tibbits,  
Toll,  
Wallin,  
Waterbury,  
T. M. Wilson,



Gregory,  
A. L. Green,  
Haire,

Phelps,  
Pratt,  
Pringle,  
NAYS.

Winans,  
Woodward,  
Speaker, 45

Mr. Alexander,  
Atwood,  
Chase,  
Choate,  
Chapoton,  
Cooley,  
A. W. Davis,

Mr. Foote,  
N. K. Green,  
Hadley,  
Hodges,  
Hood,  
Kanouse,  
Kelsey,

Mr. Moore,  
Piper,  
Ramsdell,  
Smith,  
Stoddard,  
Strong,  
Woodman, 21

Title agreed to.

Senate bill, being

A bill to amend sections seven, thirteen and twenty-one, of chapter twelve, of the revised statutes, the same being sections one hundred and fifty-four, one hundred and sixty, and one hundred and seventy-three, of compiled laws,

Was read a third time and passed, a majority of all the members elect voting therefor, by yeas and nays, as follows:

YEAS.

Mr. Adams,  
Alexander,  
Beamer,  
Blakeslee,  
Brownell,  
Bunce,  
Chase,  
Childs,  
Choate,  
Chapoton,  
Cook,  
Cooley,  
Cox,  
Cutchcon,  
A. W. Davis,  
Ira Davis,  
Douglas,  
Fallass,  
Foote,  
Fowle,  
Gilbert,  
Goodrich,  
Gregory,

Mr. A. L. Green,  
Hadley,  
Haire,  
Henderson,  
Hemingway,  
Hill,  
Hodges,  
Hood,  
Howell,  
Jones,  
Joy,  
Kanouse,  
Kelsey,  
Leetch,  
Lockwood,  
Miller,  
Morrison,  
Moore,  
Persons,  
Peters,  
Peterson,  
Phelps,  
Piper,

Mr. Pratt,  
Pringle,  
Ramsdell,  
Rankin,  
Read,  
Sessions,  
Shank,  
Smith,  
A. Stevens,  
Stewart,  
Stoddard,  
Strong,  
Taylor,  
Tibbits,  
Toll,  
Wallin,  
Waterbury,  
T. M. Wilson,  
Winans,  
Woodman,  
Woodward,  
Speaker,

68

NAYS.

0



The question being upon agreeing to the title,

Mr. Hill moved to amend the same by adding thereto the words "relative to the bonds of the State Treasurer ;"

Which motion prevailed.

The title, as amended, was then agreed to.

Senate bill, being

A bill to amend an act entitled an act to provide for the incorporation of railroad companies, approved Feb. 12, 1855,

Was read a third time and passed, a majority of all the members elect voting therefor, by yeas and nays, as follows:

#### YEAS.

Mr. Adams,	Mr. Fowle,	Mr. Phelps,	
Alexander,	Goodrich,	Piper,	
Beamer,	Gregory,	Pratt,	
Blakeslee,	A. L. Green,	Pringle,	
Brownell,	Hadley,	Ramsdell,	
Bunce,	Haire,	Rankin,	
Chase,	Hemingway,	Read,	
Childs,	Hill,	Sessions,	
Choate,	Hodges,	Shank,	
Chapoton,	Hood,	Smith,	
Cook,	Joy,	A. Stevens,	
Cooley,	Kanouse,	Stoddard,	
Cox,	Kelsey,	Strong,	
Cutcheon,	Lockwood,	Taylor,	
A. W. Davis,	Moore,	Tibbits,	
Ira Davis,	Persons,	Toll,	
Douglas,	Peters,	Winans,	
Foote,	Peterson,	Speaker,	54

#### NAYS.

Mr. Fallass,	Mr. Morrison,	Mr. T. M. Wilson,	
Gilbert,	Stewart,	Woodman,	
Howell,	Wallin,	Woodward,	
Jones,			10

Title agreed to.

Mr. Lockwood moved that the bill be ordered to take immediate effect.

Mr. Howell demanded the yeas and nays.

The demand was not seconded.

Mr. Lockwood moved to lay the motion to order the bill to take immediate effect on the table;



Which motion prevailed.

On motion of Mr. Hodges,

The House took a recess until 2 o'clock this afternoon.

AFTERNOON SESSION.

2 o'clock P. M.

House met, and was called to order by the Speaker

Roll called : quorum present

Mr. Goodrich, by unanimous consent, asked and obtained leave of absence for Mr. Chase, for an indefinite time, on account of sickness.

SPECIAL ORDER.

On motion of Mr. Waterbury,

The House went into committee of the whole on the special order,

Mr. Gilbert in the chair.

After some time spent therein, the committee rose, and through their chairman made the following report :

The committee of the whole have had under consideration the following entitled bill:

A bill to amend an act entitled an act to provide for the drainage and reclamation of swamp lands by means of State roads and ditches, being act No. 117 of session laws of 1859,

Have made some progress therein, but, not having gone through therewith, have directed their chairman to report that fact to the House, and to ask leave to sit again.

THOMAS D. GILBERT, *Chairman.*

Report accepted, and leave granted.

Mr. Ramsdell moved that the bill be made the special order for Tuesday afternoon at 2 o'clock ;

Which motion prevailed.

Mr. Phelps asked and obtained the unanimous consent of the House to offer the following :

*Resolved*, That the use of this Hall be granted to the ladies



of the Female College of this city for the purpose of an exhibition, on Saturday evening of this week ;

Which was adopted.

On motion of Mr. Childs,

The House adjourned till to-morrow morning at 10 o'clock.

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*Lansing, Friday, February 8, 1861.*

House met pursuant to adjournment, and was called to order by the Speaker.

Prayer by Rev. Mr. McLeod.

Roll called : quorum present.

PETITIONS PRESENTED.

By Mr. Piper : petition of John S. Clark, Danforth S. Keyes, and 39 others, praying for the passage of a dog law ;

Referred to the committee on agriculture and manufactures.

By Mr. J. B. Wilson : petition of S. S. Robinson, agent of the Quincey Mining Company, and 17 others, residents of Portage township, in Houghton county, asking that in case said county be divided, that the site be not located in the new county ;

Referred to the committee on towns and counties.

By Mr. Peterson: remonstrance of John Marx and 45 others, against the repeal of the so-called personal liberty law;

Also, remonstrance of John F. Miller and 27 others, for the same purpose ;

Referred to the committee on judiciary.

By Mr. Adams: petition of Joseph Miller and eleven hundred and eighty other citizens of Kalamazoo county, praying the legislature to repeal the existing law prohibiting the manufacturing and sale of spirituous liquors, and provide for the submission to the suffrages of the people an amendment to the constitution authorizing the passage of a license law, and requiring good bonds for the judicious sale of pure liquors ;

Referred to the committee on judiciary.

By Mr. Smith: petition of A. B. Clough and 53 others, citizens



The committee on banks and incorporations, to whom was referred Senate bill, entitled

A bill to authorize the First Presbyterian Society in Ann Arbor to borrow money and secure the payment thereof,

Respectfully report that they have had the same under consideration, and report it back to the House with a recommendation that it do pass, and ask to be discharged from the further consideration thereof.

EUGENE PRINGLE, *Chairman.*

Report accepted and committee discharged.

On motion of Mr. Pringle,

The bill was placed on the order of third reading.

By the committee on banks and incorporations :

The committee on banks and incorporations, to whom was referred Senate bill, entitled

A bill to amend an act entitled an act relative to plank roads, approved March 13, 1848,

Respectfully report that they have had the same under consideration, do not approve the amendment proposed, and therefore report the bill back to the House, with the recommendation that it do not pass, and ask to be discharged from the further consideration thereof.

E. PRINGLE, *Chairman.*

Report accepted and committee discharged.

On motion of Mr. Sessions,

The bill was laid on the table.

By the committee on the Asylum for the Deaf, Dumb and the Blind :

The committee on the Asylum for the Deaf, Dumb and the Blind, to whom was referred so much of the Governors' messages as relates to the Asylum for the Deaf, Dumb and the Blind, ask leave to make the following report :

That in accordance with the resolution authorizing them to visit the Asylum at Flint city, they have performed that duty, and through the kindness and attention of the Principal, Mr.



Fay, and his lady, were afforded every facility necessary for examining into the condition and management of the same, and were highly gratified with the domestic arrangement and the economy and comfort with which that department was carried on, giving to each the advantages which members of a well ordered family enjoy.

The number of pupils at present taught in the school is about 96, and the cost of their maintenance is about \$100 each a year.

Neatness, order, and precision mark every movement, and your committee were no less astonished than pleased to mark the varied degrees of intelligence manifested in the countenances of the pupils, by the advancement they had made in the different branches of literature.

In the youngest class, (that is, the one the least advanced,) there were those whose countenances indicated that the light they had received into their dark minds, was as the twilight preceding the early dawn of day; in others the early dawn had arrived, enabling them to see indistinctly the pathway before them which leads to a full realization of their responsibility as moral agents; others again had received more light, and were evidently rapidly preparing to emerge into fuller day.

In the second class, (or next in gradation,) the countenance indicates that the darkness is being rapidly dissipated by the rising light, and that they are preparing to receive that degree of light and truth in regard to surrounding objects, and the world to which they stand related, which will qualify them to enjoy life and pursue happiness, in common with their fellow beings.

In the third and most advanced class of mutes, the whole countenance seemed lighted up with intelligence and the eye beamed with pleasure at every new idea. The sun of science had risen upon them, and ushered them into the perfect day; nature is to them no longer a sealed book, but they are taught and readily learn to "look through nature up to nature's God."

These three classes are taught by mutes, who seem to be fully qualified for the discharge of their duties, and we are



ing commissioner to its present condition, as shown by their report.

The question now presented to this committee is, shall we go on in this good work and complete the structure already begun and so far advanced that an appropriation clearly within the ability of the State to raise, without being in any degree burdensome, will complete and render available the amount already expended in behalf of these children? Your committee are of opinion that the only true way to solve this question, and the only way which will be satisfactory to the people, is to recommend to your honorable body to make such an appropriation as will complete the building as fast as it will be wanted for use, and also defray the current expenses.

We fully concur in the sentiments of the Governor, expressed in his message, recommending that, in view of the present condition of the finances, no new schemes should be encouraged, no considerable additions to the public institutions of the State should be made; and they feel fully assured that in the appropriations herein recommended, they are clearly within the letter and spirit of the recommendation to confine "your appropriations to the actual necessities of the public service."

Our institution is yet in its infancy, with a large proportion of the buildings yet unfinished, and laboring under disadvantages in the want of proper and necessary accommodations for cooking, washing, bathing, eating and sleeping, hospital and chapel rooms, workshop and study rooms; yet possessing as it does all the elements of usefulness, it needs only the fostering care of the Legislature in perfecting and furnishing the building in all its parts, to develop its full power to accomplish all that its friends could wish and make it an institution of which Michigan may well be proud.

That the taxation necessary to carry out and complete this institution as above recommended, will be cheerfully submitted to by a benevolent people, your committee, from the experience of the past, have not the shadow of a doubt.

If our citizens have heretofore had occasion to complain of



onerous burdens of taxation which have been heaped upon them, they have only to look at the tax list to see that all the taxes levied for State purposes, are but a very small and comparatively insignificant portion of what they are called upon to pay.

Therefore, believing that the necessities of the institution require the appropriation of the sum of ten thousand dollars, for current expenses for 1861, and fifteen thousand dollars for that year to finish off rooms and furnish heat and water, and the sum of ten thousand dollars for current expenses for the year 1862, and the further sum of ten thousand dollars to be expended the same year, in finishing off such portion of the building as is most needed, and in furnishing the same; they recommend to your honorable body to appropriate the sums for the years, and to be expended for the purposes above named, as provided for in the bill accompanying the report of the Senate committee.

All of which is respectfully submitted.

HENRY K. FOOTE, *Chairman.*

Report accepted and committee discharged.

On motion of Mr. Howell,

The report was ordered printed.

By the committee on banks and incorporations:

The committee on banks and incorporations, to whom was referred a Senate bill, entitled

A bill to amend act No. 248 of the laws of 1859, entitled an act to regulate fire, marine, life and health insurance companies, and their agents, associations, partnerships, and individuals doing fire, marine, life, and health insurance business, not incorporated by the State of Michigan, approved February 15, 1859,

With certain instructions to amend the same, respectfully report the bill back to the House with the accompanying amendments in accordance with such instructions, and ask to be discharged from the further consideration thereof.

EUGENE PRINGLE, *Chairman.*

Report accepted and committee discharged.



On motion of Mr. Sessions,

The House concurred in the amendments made by the committee.

On motion of Mr. T. M. Wilson,

The bill was placed on the order of third reading.

By the committee on education:

The committee on education, to whom was referred the several petitions asking for a county superintendent of common schools, have had the same under consideration and order me to report thereon.

Numerous petitions from different sections of the State have been referred to this committee, asking for the establishment of the office of county superintendent of schools, and these petitions nearly unanimously ask also that these superintendents shall be appointed by the township inspectors, assembled in convention for that purpose.

It is a settled principle, recognized in every public school system in this country and throughout Europe, that schools require supervision, and that their efficiency and success can only be secured by the visitation and inspection of a competent and authorized superintending officer. Our State has, from the outset, recognized the necessity of an authorized official visitation of its public schools, and has attempted to provide for it by the system of township inspectors.

The need of supervision being granted, it can be easily seen that such supervision should be in the hands of intelligent and skillful men who are, in learning and experience in school affairs, the superiors of those whom they are to license and superintend. The examinations and visitations of incompetent and inexperienced men can be of little service to the schools, and always fail to afford wise and efficient oversight and care, which the good of the schools so urgently demands.

Expending, as we do, nearly half a million of dollars annually in the payment of the wages of teachers, it is wise economy to take efficient measures to secure good teachers, and to get from those teachers good and useful work. With two hundred thou-



sand children spending their time in schools, it is clearly our duty to take care that they do not, for want of good teaching, spend their time in vain. It is a cruel robbery of our children to compel them to study five years in a poor school, to learn what they would easily learn in a good school in two—to barter their childhood's best hours for a thimblefull of learning when they might have easily obtained, in the same time and with no harder labor, a head-full. Without a good and thorough supervision, we cannot have good schools. All experience proves this. Good inspection gets good teachers; thorough visitation will ensure thorough teaching.

It is evident to every intelligent observer, that many of our schools are a mere mockery of schools. There is the pretence and semblance of teaching, but the pupils make no progress.

*"There they sit from day to day, without life or motion,  
Like a painted ship, upon a painted ocean."*

Now the evident and only remedy for this is to be found in the active oversight of intelligent and experienced officers, who will see that none but well qualified teachers enter the schools, and whose inspiring visits and judicious counsels will incite and aid those teachers to faithful work.

That our present system of supervision is very deficient, if not absolutely inoperative for good, is painfully evident. It needs no more proof than will spring to the recollection of all. It is the general voice of the people in all parts of the State, and the petitions received here are sufficient evidence that a change is desired and necessary.

The change asked for, from township to county inspectors, is in accordance with sound sense and the best experience. Concerning the county superintendency of New York as it formerly existed, Hon. Henry S. Randall, the able Superintendent of Public Instruction, in 1853, wrote: "Our county superintendency operated admirably. No intelligent man will now deny this. Indifference warmed into interest, and interest swelled into enthusiasm in our schools; and such I believe to have been the history of the county superintendency in a large proportion of



the counties of the State—everywhere where competent men filled the office.” He adds, “I have little doubt the office will be restored within two or three years. If I were in a State where the question was an open one, I should most assuredly press the establishment of the office.” The office was virtually re-established in New York three years later. Hon. T. H. Burrows, Superintendent of schools in Pennsylvania, in a letter to a gentleman in this State, says: “On the whole, the county superintendency has been the great move of the system with us. It has put more life and energy into it than any other measure since the establishment of the system.” Hon. A. G. Curtin, formerly State Superintendent and now Governor of Pennsylvania, said, in his annual report for 1855, “Although it is an office of limited powers, it has infused renewed life into the system, and has done more substantial benefit, in the short space of time it has been in existence, than any reform heretofore made.”

Such testimonies might be quoted from every prominent educationist in every State in which the system has been tried. In our own State the opinions expressed in its favor have been numerous and influential. Resolutions approving it have been repeatedly passed by the State Teacher’s Associations, and by numerous county conventions and public meetings, and it has been several times recommended by the State Superintendents of this State, and this recommendation is now repeated by the present Superintendent in his annual report, and endorsed by Governor Blair in his inaugural message.

Believing that the best interests of our schools will be efficiently promoted by the establishment of the office of county superintendent, as asked for in the petitions referred to us, we herewith introduce a bill providing for such an officer in each organized county in this State, entitled

A bill to provide for a county superintendent of schools, and to amend and repeal certain sections of the primary school laws.

The bill provides for the election of but one school inspector,



and that annually, who, with the town clerk, shall form a board capable of transacting all the necessary business now transacted by the present board. As the duty of inspecting teachers and visiting schools is assigned to the county superintendent, the amount heretofore paid for such services to the township inspectors, in many instances entirely worthless, will be saved, and will go very far towards defraying the expenses of the county superintendency. From the report of the State Superintendent for the present year, it will be seen that the average expense of township inspectors does not vary far from \$19 00 per township, which, in a county of sixteen townships, would be a sum of \$304 00, of which there would be at least \$290 00 applicable to the expense of county superintendency; the \$14 00 remaining, being amply sufficient to pay for all the duties necessarily performed by the township inspector. In some of the counties the amount saved would be much larger, while in a few it would be less; but the average will be seen to be at least as high as above stated.

If to this amount of nearly \$300, should we add from the primary school fund, a sum equal only to one dollar per district in each county, a sum so insignificant to each as to be hardly noticed, we will, in most counties, have a sum sufficient to pay a fair salary to the county superintendent.

In the largest and more populous counties, it might be fully sufficient, and in none would the amount to be made up out of the county treasury be so large as to be considered at all burthensome; while the great benefits to be derived from the services of an efficient superintendent, will repay the expenditure of a much larger sum than will be likely to be required in any case.

All of which is respectfully submitted.

B. L. HILL, *Chairman.*

Report accepted and committee discharged.

The bill was read a first and second time by its title, ordered printed, referred to the committee of the whole, and placed on the general order.



By the committee on roads and bridges :

The committee on roads and bridges, to whom was recommit-  
ted

A bill to amend chapter 23 of the compiled laws, relative to  
obstructions and encroachments of highways,

Have had the same under consideration, and to which they  
have made sundry amendments in which the concurrence of the  
House is respectfully asked, and when so amended recommend  
the same do pass, and ask to be discharged from the further  
consideration of the same.

N. K. GREEN, *Chairman.*

Report accepted and committee discharged.

On motion of Mr. Cook,

The House concurred in the amendments made by the com-  
mittee.

On motion of Mr. Cook,

The bill was placed on the order of third reading.

By the majority of the committee on judiciary :

The majority of the committee on the judiciary, to whom was  
referred

A bill to repeal sections two, three and four, of an act enti-  
tled "an act to protect the rights and liberties of the inhabi-  
tants of this State," approved February 13, 1855,

Have had the same under consideration, and have endeav-  
ored carefully to consider all the reasons which may be offered  
for and against the bill. In view of the importance which this  
subject has assumed in the public mind, and of the fact that  
those who have thought it worth their while to argue the legal  
questions involved, have, for the most part, seemed to lose sight  
of certain considerations and legal rules, which are believed to  
fully sustain the law, as a constitutional enactment, it has  
been deemed proper to set forth, somewhat at length, the rea-  
sons which have influenced a majority of the committee.

The sections which it is proposed to repeal, contain the fol-  
lowing provisions :



1st. That all inhabitants of this State, arrested and claimed as fugitive slaves, shall be entitled to all the benefits of the writ of *habeas corpus*, and of trial by jury.

2d. That if the writ be sued out in vacation, and the alleged fugitive be not discharged, he shall be entitled to an appeal to the circuit court for the county, on furnishing reasonable bail.

3d. That on the trial of the issue before the officer, or the court, either party may demand and have a trial by jury, of the questions of fact.

4th. That in case of costs being charged against the alleged fugitive, the State shall pay them.

The latter provision is one to which the claimants of fugitive slaves are not likely to object, it being for their benefit. It is, perhaps, more liberal than the circumstances of the case demand, or than is required for a faithful compliance with the clause of the Constitution relating to the rendition of persons escaping from service or labor, but it is believed to be better to retain it, at least for the present, than to render the State liable by its repeal, to the charge, however unjust, of "unfriendly legislation."

The important inquiry, as to the object and purpose of the law of 1855, (including the sections proposed to be repealed,) must be answered by a consideration of the statute itself, of other enactments and judicial decisions, and also of certain rights guaranteed by the federal constitution. It must be construed for the purposes intended, in accordance with such rules of construction as are adopted in the courts of law, and by such rules the question of its validity must be determined.

The title of the act indicates in so many words a purpose "to protect the rights and liberties of the inhabitants of this State;" and the title of an act, as well as its preamble, may be used to explain its meaning or object, whenever necessary. The Constitution of Michigan (Sec. 20, Art. 4) provides that "No law shall embrace more than one object, which shall be expressed in its title." This clause, it is submitted, renders imperative upon courts the rule to construe the act first and only for the



purpose indicated in its title. This act, therefore, only relates to the protection of those dwelling permanently in the State, for such is the meaning of the word "inhabitant," used both in the title and the act itself. It must also have a construction limited to the protection of the *legal* rights and liberties of the class of persons mentioned. Sections 6 and 7 of the act prescribing penalties for violation of the rights of free men, afford also a strong implication as to the general object of the law. While the fact undoubtedly is, that the law was enacted principally on account of the obligation of the State to protect free blacks and persons of color residing in it, from being carried into slavery by any summary process, it may also be said to be strictly within the rule indicated by Justice Wayne in the case of *Prigg vs. Pennsylvania*, 16 Peter's Reports, 650, "that legislation may be confined to that end and made effectual without making such a remedy applicable [for the rendition of] fugitive slaves." It may, perhaps, be granted that in the practical operation of this act, those who are fugitive slaves may be sometimes brought before the courts, but that is the incidental effect and not the intention of the law, if it may be construed in accordance with its title, our State Constitution, and the decisions of the Supreme Court of the United States, applicable to the subject.

The case of *Prigg vs. Pennsylvania*, decided by the Supreme Court of the United States in January, 1842, has been often cited to show the unconstitutionality of these three sections of our law of 1855. Inasmuch as the volume containing it is not ordinarily accessible, it may be well to give a brief history of the case, of the question before the court, and of the decision made, with a glance at the opinions expressed which were in no sense important to the judgment rendered.

Edward Prigg was indicted in York county, Pennsylvania, "for having, with force and violence, taken and carried away from that county, to the State of Maryland, a certain negro woman, named Margaret Morgan, with a design and intention of selling and disposing of, and keeping her as a slave or ser-



vant for life, contrary to a statute of Pennsylvania, passed on the 26th of March, 1826," and convicted on a special verdict by the court of Oyer and Terminer. On a writ of error to the Supreme Court of Pennsylvania, the judgment was affirmed, and the case was then brought on a second writ of error to the Supreme Court of the United States. The Pennsylvania act of 1826, entitled "an act to give effect to the provisions of the Constitution of the United States, relative to fugitives from labor, for the protection of free people of color, and to prevent kidnapping," is set forth in the special verdict, and provides penalties for any person taking and carrying away from any part of that State, to another State, any negro or mulatto, with the intent that such negro or mulatto shall be kept or sold as a slave or servant for life, and also a mode for the rendition of fugitive slaves somewhat similar to the federal law of 1793, and well calculated to be effective for that purpose. The special verdict also finds that Margaret Morgan was the slave for life of Margaret Ashmore, who resided in the State of Maryland, and that the defendant Prigg was duly appointed the agent or attorney of the owner of the slave, and in that capacity took the negro woman without any process of law authorizing him so to do, from the county of York to the State of Maryland, and delivered her to her mistress. The law of Pennsylvania evidently contemplated that all persons should be subject to the penalties for kidnaping, who did not at first procure an order for the return of the fugitive in accordance with the law for that purpose.

Upon this state of facts, the court reversed the judgment of guilty expressly upon the ground, that "in virtue of the Constitution the owner of a slave is clothed with the authority, by himself or agent, in every State of the Union, to seize and recapture his slave whenever he can do it without breach of the peace, or illegal violence." It was only necessary to the decision made, that the Pennsylvania statute should be declared void, in so far as it provided for the punishment of those who, as owners or agents, took and carried away slaves from that



Commonwealth to another, without the warrant of a proper magistrate. In so far as the court went in deciding that the clause of the Constitution, relating to the rendition of persons held to service or labor, gave to the masters of escaping slaves, the right of recapture in all the States, and thus might "properly be said to execute itself," the decision is evidence of law, and is to be received as such in all courts and places, equally with other authoritative rulings of the highest judicial tribunals. But, in so far as the court assumed to deliver opinions unnecessary to determine the question of the guilt or innocence of Edward Prigg, the conclusions of the court are of no binding force upon that or other courts. Yet, inasmuch as the States of Maryland and Pennsylvania had specially authorized their ablest counsel to appear at the bar of the court, and inasmuch as other questions were, apparently by consent, argued before the judges, it is conceded that the opinions placed on record have more than usual weight, and are entitled to be respectfully considered. The *obiter dicta* of this case are more to be regarded than those of many others, aptly characterized, in some instances, as "the idle gabble of a judge."

Incidentally a majority of the Judges declared that the power to legislate for the rendition of fugitive slaves, belongs exclusively to Congress, and hence, that all State laws enacted for that purpose were absolutely void and of no effect. From this opinion three of the Judges dissented, and the very able opinions of Chief Justice Taney and Justice Thompson are sufficient to raise some doubt as to the ultimate decision of the question. It was also declared by a majority of the Judges, in substance, that the fugitive slave law of 1793 was only constitutional in so far as it authorized proceedings before a Circuit or District Judge of the United States, and that the magistrates of counties, cities and townships had no authority to carry it into effect, although required to do so by the terms of the old statute. In accordance with these opinions, the non-slaveholding States generally repealed their laws for the rendition of fugitive slaves, and such as had not previously done so, with-



drew, by repealing their laws, the consent which had been supposed previously to give validity to the delegation of power to local magistrates by the act of 1793. The event proving somewhat disastrous to the "peculiar institution," led to the enactment of the supplementary fugitive slave law of 1850, by which it was attempted to give to commissioners the power previously and still possessed by the Federal Judges, and to deny the writ of *habeas corpus* in certain cases where a fugitive had been arrested.

Although a majority of the court pretty emphatically say that the fugitive slave clause of the constitution "manifestly contemplates the existence of a positive unqualified right on the part of the owner of the slave which no State law or regulation can in any way qualify, regulate, control or restrain," it is to be remarked that the general police power of the State is conceded, and that they "possess full jurisdiction to arrest and restrain runaway slaves and remove them from their borders, and otherwise secure themselves against their depredations and evil example," and that the States may punish them for crime like other subjects, and although it appears evident that such measures might sometimes facilitate and sometimes delay or wholly prevent the return of a fugitive, the court says "the rights of the owners of fugitive slaves are in no just sense interfered with or regulated by such a course." The court distinctly enough declares that any law designed to regulate or interfere with the rendition of fugitive slaves would be unconstitutional; but, would allow the exercise of proper State authority to protect its inhabitants, although the incidental but undesigned effects might be to hinder or delay the owner of this kind of property. It is also to be remarked, that in none of the lengthy opinions is there any intimation that the writ of *habeas corpus* shall be denied to the fugitive, or that Congress has any power to deny it to him.

The constitution of the United States, (sec. 9, art. 1,) recognizes a subsisting right, in these words:

"The privilege of the writ of *habeas corpus* shall not be sus-



pending, unless when in cases of rebellion or invasion the public safety may require it."

This language can hardly be misunderstood, and certainly will not allow the free men of Michigan to be denied this privilege, held in so great estimation from the day when *magna charta* was wrested from King John. It is believed by a majority of the committee, that the fugitive slave law of 1850 is unconstitutional and void, in so far as it attempts to deny the writ of habeas corpus.

Another clause of the federal constitution, (sec. 1, art. 3, seems to be equally incapable of misconstruction:

"The judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish. The judges, both of the supreme and inferior courts, shall hold their offices during good behavior; and shall, at stated times, receive for their services a compensation, which shall not be diminished during their continuance in office.

The majority of the committee believe that however inhuman and summary the proceeding may be made; however much ordinary rules of evidence may be overturned in the mode of trial; still that the act by which the United States commissioner determines that the fugitive slave shall be given up to a claimant, is and must be in its character judicial, and hence, to be lawful, must be exercised either by the Supreme Court or by inferior courts established by Congress. Any such courts are to be presided over by Judges holding office during good behavior, and receiving salaries not to be diminished during their continuance in office. The adjudication of the commissioner is pretty certainly not the judgment of the circuit or district court, for there are courts of record having their own judges; nor can the act of 1850 be held to constitute new courts to be holden by the commissioners or to make them judges; for neither in their modes of appointment, in the tenures of their offices, or in the compensation they receive, do they correspond to the constitutional requirements of judges of in-



ferior courts. If the majority of the committee are right in the conclusion to which they have arrived, the attempted delegation of power by Congress to commissioners is utterly void, and the District Judge is the only officer, resident in this State, authorized to issue valid process for the seizure, or adjudicate the return of a fugitive slave. Practically, the slave-owner is thus left almost entirely to depend upon his right to seize and recapture, affirmed by the court in the case of *Prigg vs. Pennsylvania*. The temptation is much greater than if regular tribunals were established at all the principal towns, to seize either directly or through the illegal instrumentality of commissioners, and carry into slavery those who are really free.

The act of 1855 was passed a few months after the repeal of the Missouri Compromise, by a majority then first coming to political power; it was evidently drafted by some one unaccustomed to the work which he undertook, but at the same time it bears evidence, in the opinion of the undersigned, of a desire to keep strictly within the requirements of the Federal Constitution, as expounded by the Federal Courts.

It does not provide, as it might lawfully have done, a long and difficult mode of trial to protect the liberties of its inhabitants, but on the contrary, adopts the simplest and most summary process known to the common law, to have their rights adjudicated. It does not strip this writ of the difficulties attending its procurement in ordinary cases, but leaves statutes operative, in all other cases of the illegal detention of individuals, to operate in this. A large part of chapter 134, of the revised statutes of 1846, (com. laws, pp. 1371 to 1389,) relates to the writ of *habeas corpus*. It is to be granted on petition, and that petition must state in substance:

1. That the person for whom the writ is sought, is illegally imprisoned or restrained by some other person.
2. That such person is not detained by virtue of any process, judgment, decree, or execution of the courts of the United States or of this State.



3. The cause of the confinement or restraint, according to the best knowledge or belief of the petitioner.

4. If the confinement be by virtue of any warrant, order or process, a copy thereof must be annexed, unless a copy was refused, or a demand could not be made.

5. If the imprisonment be alleged to be illegal, it must be shown in what the illegality consists.

6. It must specify the writ demanded.

7. It must be verified by the oath of the petitioner.

These various requirements can ordinarily be easily complied with, in behalf of a person entitled to freedom, but not so readily in behalf of one who is legally detained in the custody of another. A petitioner whose main allegation is false, is not permitted merely to swear to a legal conclusion; but must run such a gauntlet of specifications, as is likely to involve him in perjury. Under this writ, the judge cannot inquire into the justice or legality of any process issued by any court of the United States, or any judge thereof, or as to the justice or legality of any legal process, civil or criminal, upon which any person is convicted, or in execution. Yet it was competent for the Legislature, in its discretion, to have lessened the requirements preliminary to the issue of this writ, and the power to grant it, and to make adjudications upon its return might have been conferred upon every justice of the peace in the State, instead of remaining limited to a few judges and circuit court commissioners. The practical result has been, that while for nearly six years no claimant of fugitive slaves has been at all delayed or hindered by this act; on the other hand, no free person has been kidnapped as a slave within the State of Michigan, although this is not a very unfrequent occurrence in some of the States which have no such statutes. Does it not, as we examine it, become abundantly evident, that this statute was passed for the purpose indicated by its title, and not for the purpose of regulating the rendition of fugitive slaves? Can it, "in any just sense," be properly said to interfere with, hinder or delay, the right of the slaveholder?



It is provided, in section 8, that either party may demand and have a trial by jury of the questions of fact arising in the case, but this circumstance does not change the summary character of the proceeding. If the person to whom the writ is addressed can show that he holds his prisoner upon any valid process or order, no question of fact will arise in the case, but the person detained will be remanded upon determination of the question of law. If questions of fact are contained in the issue formed by the petition, the return to the writ, and the denials under oath which may be made by way of reply, either party may demand a jury; and inasmuch as the proceeding is a summary one, the jury provided for will have to be summoned from among the by-standers, or neighboring citizens who are legal jurors, and on the trial none but questions of fact are left to their determination. It is to be noted that while in all criminal trials, and in all civil cases determined before justices of the peace, the jury may judge of and decide all questions of law, as well as of fact, involved in their verdict, there is here no such extension of the power of a jury. All questions of law are to be determined by a responsible public officer, required to possess legal qualifications, and trusted by the people to administer the law without fear or favor.

An appeal is also authorized by the person detained, to the Circuit Court of the county in case he shall be remanded by the judge or commissioner, at a hearing in vacation, upon his giving satisfactory bail. It has been asked why an appeal is not allowed to the claimant? The opinions pronounced in the case of *Prigg vs. Pennsylvania*, perhaps give a sufficient answer. The prosecution of such an appeal by the owner of a slave in order to procure his rendition as a fugitive, would be for the same purpose as he would have if he proceeded under the acts of Congress, and the court has declared such proceedings under State laws to be void. The character and purpose of the proceeding will have been wholly changed from what this act contemplates, if an appeal by the master of the slave be allowed. He will not be a loser, however, by this denial of an appeal, for the tribunals



opened to him by the fugitive slave laws cannot be closed against him by State legislation. The appeal allowed to the defendant is more fully to assure his liberty, if free, and can in "no just sense" be said to hinder or delay the owner of a slave inasmuch as he may still, pending such appeal, resort at will to the ordinary means of obtaining the rendition of such property. He is moreover temporarily secure against the escape of his chattel by the bail given, and if he succeeds at the hearing, the State pays the costs. In the view of the matter taken by the majority of the committee, the only question of constitutional authority arising upon this statute, is as to the legal right of a State court or judge, to issue or allow the writ of *habeas corpus*, the trial of questions of fact by a jury and the appeal authorized, being only incidents, carefully guarded, of such alleged legal right. It is an extraordinary feature of our jurisprudence, that while for the trial of a cause involving but six cents, a jury and an appeal are allowed, yet that no provision has been made in cases involving the liberty of a citizen, or the possession of a child, for either except by this law of 1855. An independent State must surely have the power so to provide in any or in all cases, and that it has been done by this law, can constitute no legal objection to it. It is believed that instead of the supposed lurking intent to convert the hearing on the writ into a proceeding to regulate the rendition of persons escaped from service or labor, being found in this law, we can only, in fact and in law, find a summary proceeding, strictly limited to the object declared in the title of the act.

The Pennsylvania statute of 1826, before considered, and the New York statute of 1830, which provided for the arrest of fugitive slaves in a manner in some respects different from the law of Congress, and for a suit similar to a replevin suit by the negro for his freedom, suspending during its pendency all proceedings for his capture or removal, even after a finding that he was a slave, and the granting of a certificate for his rendition under the act of Congress of 1793, have been declared unconstitutional and void. They were so declared before 1855, and



our predecessors appear to have taken care to avoid even a seeming conflict with the judicial and extra judicial opinions declared in making these decisions. Our law, instead of being in conflict with these decisions, as has been often asserted, appears to be in entire conformity to them. It ought, if for no other reason, in the opinion of the majority of the committee, to remain upon the statute book as a monument of the wise moderation of the legislature of 1855.

The clause of the federal constitution affirming the right to the writ of *habeas corpus* has been already cited, and the construction given to this clause by the statute in question, appears to be not very different from that given in the year 1858, by the Supreme Court of the United States, in the case of *Ableman vs. Booth*, reported in 21 Howard's Reports, p. 506. In deciding that case, the court say, among other things:

"We do not question the authority of a State court or judge, who is authorized by the laws of the State to issue the writ of *habeas corpus*, to issue it in any case where the party is imprisoned within its territorial limits, provided it does not appear, when the application is made, that the person imprisoned is in custody under the authority of the United States. The court or judge has a right to inquire, in this mode of proceeding, for what cause and by what authority the prisoner is confined within the territorial limits of the State sovereignty. And it is the duty of the marshal, or other person having the custody of the prisoner, to make known to the judge or court, by a proper return, the authority by which he holds him in custody. This right to inquire by process of *habeas corpus*, and the duty of officers to make a return, grows necessarily out of the complex character of our government, and the existence of two distinct and separate sovereignties within the same territorial space, each of them restricted in its powers, and each, within its sphere of action, prescribed by the constitution of the United States, independent of the other."

It has been already shown that by necessary construction of



the act of 1855, with the law regularizing the writ of *habeas corpus*, the writ allowed by the former, would be unauthorized in any case where it should appear that the prisoner was held upon valid process, and conceding, as the majority of the committee do, that under the decision in *Prigg vs. Pennsylvania*, the owner of a fugitive slave has the right to re-capture him without process in a free State, it follows that in case it appears from the petition for the writ, that the prisoner is claimed as a fugitive slave, it must also appear by a statement on oath, that he is not a fugitive slave or else that the claimant has no right to hold him, before the writ can issue. The necessary construction is, that all free persons not legally arrested, and claimed as fugitive slaves, shall be entitled to the benefits of the writ.

But it is urged that the sections proposed to be repealed may be understood in a broad sense, bringing them in conflict with adjudications of the courts, and the constitutional enactments of the general government. It is not believed that they will bear such a construction, for reasons already shown; but, admitting, for the sake of the argument, that they will, what is the necessary legal effect? It is surely this: that they must be construed with reference to the superior law, and be held valid in so far as they do not conflict. If any given statute forbids, by its general language, an hundred different things, and it be discovered that one of the hundred is allowed by the superior law of the Constitution, does it follow that the forbidding of the ninety and nine is "unconstitutional?"

A case determined by the supreme court of Michigan will illustrate this rule. We have a statute in which it is provided, (Sec. 3191 of compiled laws,) in substance, that every chattel mortgage not accompanied by delivery, and actual and continued possession of the goods mortgaged, shall be absolutely void, as against creditors and subsequent purchasers and mortgagees in good faith, unless it, or a copy, shall be filed in the office of the township or city clerk. Congress has power under the Constitution "to regulate commerce," and exercising that



power in the year 1850, enacted, that "no mortgage of any vessel of the United States, shall be valid against any person other than the mortgagor, his heirs, and devisees, and persons having actual notice thereof, unless such mortgage be recorded in the office of the collector of customs, where such vessel is registered or enrolled." A case arose where a schooner enrolled at the port of Detroit, mortgaged to secure a sum of money, and the mortgage duly recorded in the Custom-house, but not filed in the city clerk's office, was levied upon and seized in execution at the instance of a judgment creditor, by the United States deputy marshal, whereupon the mortgagor, after demand and refusal, replevied the vessel in the Wayne circuit court, and upon reserved questions submitted to the supreme court, it was decided "that the act of Congress in reference to the recording of mortgages upon enrolled and licenced vessels, supercedes so much of the State statute, as refers to the recording of similar mortgages in the township or city clerk's office." *Robison vs. Rice & Moore*, 3, Gibbs R. 235. This decision was upon the ground that Congress had exclusive jurisdiction, over the matter regulated by the laws of 1850, and hence, that State legislation could impose no additional requirement to the validity of the chattel mortgage. Yet, in a general sense, our statute is a constitutional enactment; its repeal is not agitated, and by reason of the application to it of the rules of legal construction, there is no necessity for amendment. It is already as though it read: "Every mortgage of goods and chattels, *except mortgages of enrolled or licensed vessels of the United States*, shall be absolutely void," &c. So of the statute now in question. It was, the day it was approved, by necessary legal construction, as though it read: "All persons arrested and claimed as fugitive slaves, *in whose behalf can and shall be made the petition specified in sec. 11 of chapter 134 of the revised statutes of 1846*, shall be entitled to all the benefits of the writ of *habeas corpus*," &c. Even were it established, (as it is not,) that at some point this act comes in direct conflict with the superior law of Congress, yet it would not thereby be determined to be un-



constitutional in a general sense, so long as there were cases to which it might be legally applied. In this view—the single consideration that there are several thousand free colored people within the State, entitled to protection from our laws, and each of them liable to be illegally seized and carried into hopeless slavery, seems sufficient to justify at once the constitutionality, and the propriety of this enactment.

The policy of this law needs no labored defence, The consideration just stated, the alarm which would seize upon the negro population were the law now repealed, the scandal and shame which is to be brought upon Michigan, if under the influence of threats, her Representatives abandon what is demonstrably her right, are sufficient in the opinion of a majority of the committee to justify their recommendation that the bill do not pass.

All which is respectfully submitted.

EUGENE PRINGLE,  
W. T. HOWELL,  
GILBERT E. PRATT.

Report accepted.

On motion of Mr. Howell,

The report was laid on the table, and leave granted the minority of the committee to report.

MESSAGES FROM THE SENATE.

The Speaker announced the following :

SENATE CHAMBER,  
*Lansing, February 6, 1861.* }

*To the Speaker of the House of Representatives :*

SIR:—I am instructed by the Senate to re-transmit the following joint resolution :

Joint resolution to provide for the printing and distribution of the report of the State geologist,

Which the Senate has further amended by striking out the word "seven," in the fifth line, and inserting the word "five," in the place thereof, by a majority vote of all the Senators elect,



and in which further amendment the concurrence of the House is respectfully asked.

Very respectfully,

A. B. TURNER,

*Secretary of the Senate.*

Mr. Howell moved that the House concur in the amendment made by the Senate,

Which motion prevailed, by yeas and nays, as follows :

YEAS.

Mr. Adams,	Mr. Haire,	Mr. Rankin,
Alexander,	Henderson,	Read,
Atwood,	Hemingway,	Sessions,
Beamer,	Hill,	Shank,
Blakeslee,	Hodges,	Smith,
Brownell,	Hood,	A. Stevens,
Bunce,	Howell,	Stewart,
Childs,	Jones,	Stoddard,
Choate,	Joy,	Strong,
Cook,	Kelsey,	Taylor,
Cox,	Leetch,	Tibbits,
A. W. Davis,	Lockwood,	Toll,
Ira Davis,	Miller,	Warner,
Douglas,	Morrison,	Waterbury,
Fallass,	Persons,	Wetherby,
Foote,	Peters,	Wheeler,
Fowle,	Peterson,	T. M. Wilson,
Gilbert,	Phelps,	J. B. Wilson,
Goodrich,	Piper,	Winans,
Gregory,	Pratt,	Woodman,
N. K. Green,	Pringle,	Woodward,
Hadley,	Ramsdell,	Speaker,

66

NAYS.

Mr. Wallin,

1

MOTIONS, RESOLUTIONS AND NOTICES. /

Mr. Lockwood moved to take from the table the motion to order the bill, entitled

A bill to amend an act entitled an act to provide for the incorporation of railroad companies, approved Feb. 12, 1855,

To take immediate effect ;

Which motion prevailed.



The question recurring upon ordering the bill to take immediate effect, by a vote of two-thirds of all the members elect, the bill was so ordered. ●

Mr. Morrison gave notice that on some future day he would ask leave to introduce

A bill to provide for the construction and repair of bridges across navigable streams.

Mr. Morrison offered the following:

*Resolved*, That the report of the committee on education on the subject of county superintendents of common schools, be printed in the documents of the House,

Which was adopted.

Mr. Henderson, previous notice having been given, and leave being granted, introduced

A bill to amend an act entitled an act to incorporate the city of Battle Creek, approved February 3, 1859,

The bill was read a first and second time by its title, and referred to the committee on banks and incorporations.

Mr. Henderson, previous notice having been given, and leave being granted, introduced

A bill to establish a municipal court in the city of Battle Creek.

The bill was read a first and second time by its title, and referred to the committee on the judiciary.

Mr. Joy, previous notice having been given, and leave being granted, introduced

A bill to amend chapter 164 of the compiled laws, entitled of the limitations of actions relative to real estate.

The bill was read a first and second time by its title, and referred to the judiciary committee.

Mr. Gilbert, previous notice having been given, and leave being granted, introduced

A bill authorizing the Auditor General to issue second tax deeds, in certain cases.

Mr. Cooley, previous notice having been given, and leave being granted, introduced



A bill to amend certain provisions of the prohibitory liquor law, and reduce the penalty for violations to practicable dimensions.

The bill was read a first and second time by its title, and referred to the committee on the judiciary.

Mr. Shank, previous notice having been given, and leave being granted, introduced

A bill to amend an act to authorize the conveyance of a certain lot in the village of Lansing to the trustees of the society of the church of the United Brethren in Christ, in said village, approved February 4, 1859.

The bill was read a first and second time by its title, and referred to the committee on banks and incorporations.

Mr. Jones, unanimous consent being given, introduced

A bill to amend an act entitled an act to encourage the manufacture of salt in the State of Michigan, approved February 15, 1859

The bill was read a first and second time by its title, and referred to the special committee on salt interest.

Mr. Warner, unanimous consent being given, introduced

A bill to attach certain unorganized townships to the county of Marquette.

The bill was read a first and second time by its title, and referred to the committee on towns and counties.

Mr. Shank, previous notice having been given, and leave being granted, introduced

A bill making an appropriation to defray certain expenses of the Michigan reform school.

The bill was read a first and second time by its title, and referred to the committee on ways and means.

Mr. Hill, previous notice having been given, and leave being granted, introduced

A bill to amend sections 1, 4 and 5, title 2, and section 6, of title 4, and sections 5, 6, 7 and 10, of title 5, also by adding a section to said title to stand as section 20, and sections 37, 38



and 40, of title 6, of an act to incorporate the city of East Saginaw, approved February 15, 1859.

The bill was read a first and second time by its title, and referred to the committee on banks and incorporations.

Mr. Morrison gave notice that on some future day he would ask leave to introduce

Joint resolution requesting the Governor of this State to appoint five delegates to the peace convention of States now assembled at Washington.

Mr. Gilbert offered the following:

*Resolved*, That the committee on education be requested to procure without delay from the President of the University of Michigan, a copy of his report on the government and condition of the University, submitted to the board of regents at their late annual session.

Which was adopted.

#### THIRD READING, OF BILLS AND JOINT RESOLUTIONS.

Senate bill, being

A bill to change the name of Cynthia Massey to Tinnie Young,

Was read a third time and passed, a majority of all the members elect voting therefor, by yeas and nays, as follows :

#### YEAS.

Mr. Adams,  
Alexander.  
Beamer,  
Blakeslee,  
Brownell,  
Bunce,  
Childs,  
Choate,  
Cook,  
Cox.  
A. W. Davis  
Ira Davis.  
Fallass.  
Follett,  
Foote,  
Fowle,  
Gilbert,

Mr Goodrich,  
Gregory,  
N. K. Green,  
Hadley,  
Henderson,  
Hemingway,  
Howell,  
Joy,  
Leetch,  
Lockwood,  
Miller,  
Moore,  
Persons.  
Phelps.  
Piper,  
Pratt,  
Rankin,

Mr. Read,  
Sessions,  
Shank,  
Smith,  
Stewart,  
Stoddard,  
Strong,  
Tibbits,  
Wallin,  
Waterbury,  
Wetherby,  
Wheeler,  
Winans,  
Woodman,  
Woodward,  
Speaker,

50

#### NAYS.

0



Title agreed to.

House bill, entitled

A bill to provide for the laying out of certain highways less than four rods wide,

Was read a third time and passed, a majority of all the members elect voting therefor, by yeas and nays, as follows :

YEAS.

Mr. Adams,	Mr. Gregory,	Mr. Pringle,	
Beamer,	N. K. Green,	Ramsdell,	
Blakeslee,	Hadley,	Rankin,	
Childs,	Haire,	Read,	
Choate,	Henderson,	Sessions,	
Chapoton,	Hemingway,	Shank,	
Cook,	Hill,	Smith,	
Cooley,	Howell,	A. Stevens,	
Cox,	Joy,	Stewart,	
A. W. Davis,	Lockwood,	Stoddard,	
Ira Davis,	Miller,	Strong,	
Douglas,	Persons,	Tibbits,	
Follett,	Peterson,	Wheeler,	
Fowle,	Phelps,	Winans,	
Gilbert,	Piper,	Woodward,	
Goodrich,	Pratt,	Speaker,	48

NAYS.

Title agreed to.

On motion of Mr. A. Stevens,

By a vote of two-thirds of all the members elect, the bill was ordered to take immediate effect.

Senate bill, being

A bill to change the name of Alonzo M. Baldwin,

Was read a third time and passed, a majority of all the members elect voting therefor, by yeas and nays, as follows:

YEAS.

Mr. Adams,	Mr. N. K. Green,	Mr. Pratt,
Alexander,	Hadley,	Pringle,
Beamer,	Haire,	Ramsdell,
Blakeslee,	Henderson,	Rankin,
Bunce,	Hemingway,	Read,
Childs,	Hill,	Sessions,
Choate,	Hodges,	Shank,
Chapoton,	Hood,	Smith,



Cook,  
Cooley,  
Cox,  
A. W. Davis,  
Douglas,  
Fallass,  
Follett,  
Foote,  
Fowle,  
Gilbert,  
Gregory,

Howell,  
Jones,  
Joy,  
Leetch,  
Lockwood,  
Morrison,  
Moore,  
Peters,  
Peterson,  
Phelps,  
Piper,

A. Stevens,  
Stewart,  
Stoddard,  
Taylor,  
Tibbits,  
Wetherby,  
Wheeler,  
Woodman,  
Woodward,  
Speaker,

56

## NAYS.

Mr. Winans,

1

The title was agreed to.

Senate bill, being

A bill to change the name of Nellie Frances Augur,

Was read a third time and passed, a majority of all the members elect voting therefor, by yeas and nays, as follows:

## YEAS.

Mr. Alexander,  
Beamer,  
Blakeslee,  
0 Bunce,  
Choate,  
Cook,  
Cooley,  
Cox,  
A. W. Davis,  
Douglas,  
Fallass,  
Follett,  
Foote,  
Fowle,  
Gilbert,  
Goodrich,  
Gregory,  
N. K. Green,  
Hadley,

Mr. Haire,  
Henderson,  
Hemingway,  
Hill,  
Hodges,  
Hood,  
Howell,  
Jones,  
Joy,  
Leetch,  
Lockwood,  
Miller,  
Morrison,  
Moore,  
Persons,  
Peters,  
Peterson,  
Phelps,  
Piper,

Mr. Pringle,  
Ramsdell,  
Rankin,  
Sessions,  
Shank,  
Smith,  
A. Stevens,  
Stewart,  
Stoddard,  
Strong,  
Taylor,  
Tibbits,  
Toll,  
Waterbury,  
Wheeler,  
Winans,  
Woodman,  
Woodward,  
Speaker,

57

## NAYS.

0

Title agreed to.

Senate bill, being

A bill to change the name of William Franklin Kelley,



Was read a third time and passed, a majority of all the members elect voting therefor, by yeas and nays, as follows :

## YEAS.

Mr. Alexander,	Mr. Henderson,	Mr. Sessions,
Beamer,	Hemingway,	Shank,
Blakeslee,	Hill,	A. Stevens,
Bunce,	Hodges,	Stewart,
Childs,	Hood,	Stoddard,
Choate,	Howell,	Strong,
Cook,	Joy,	Taylor,
Cooley,	Leetch,	Tibbits,
A. W. Davis,	Lockwood,	Toll,
Douglas,	Miller,	Wallin,
Fallass,	Morrison,	Wetherby,
Follett,	Moore,	Wheeler,
Fowle,	Persons,	T. M. Wilson,
Goodrich,	Peters,	Winans,
Gregory,	Phelps,	Woodman,
N. K. Green,	Piper,	Woodward,
Hadley,	Ramsdell,	Speaker,
Haire,	Rankin,	53

## NAYS.

Mr. Adams,	Mr. Gilbert,	2
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Title agreed to.

On motion of Mr. Pringle,

By a vote of two-thirds of all the members elect, the bill was ordered to take immediate effect.

Senate joint resolution, being

Joint resolution authorizing the State Treasurer to provide for the interest due upon the bonds of the State, in July and January next, and to pay the interest thereon, and upon the floating debt of the State,

Was read a third time and passed, a majority of all the members elect voting therefor, by yeas and nays, as follows :

## YEAS.

Mr. Adams,	Mr. Henderson,	Mr. Rankin,
Alexander,	Hemingway,	Read,
Beamer,	Hill,	Sessions,
Blakeslee,	Hodges,	Smith,
Bunce,	Hood,	A. Stevens,
Childs,	Howell,	Stewart,



Chapoton,  
Cook,  
Cox,  
A. W. Davis,  
Ira Davis,  
Douglas,  
Fallass,  
Follett,  
Fowle,  
Gilbert,  
Goodrich,  
Gregory,  
N. K. Green,  
Hadley,  
Haire,

Jones,  
Joy,  
Kelsey,  
Leetch,  
Lockwood,  
Miller,  
Morrison,  
Persons,  
Peters,  
Peterson,  
Phelps,  
Piper,  
Pratt,  
Ramsdell,

Stoddard,  
Strong,  
Taylor,  
Tibbits,  
Toll,  
Wallin,  
Waterbury,  
Wetherby,  
Wheeler,  
T. M. Wilson,  
Winans,  
Woodman,  
Woodward,  
Speaker,

61

### NAYS.

Mr. Cooley,

I

Title agreed to.

On motion of Mr. Leetch,

The House took a recess until 2 o'clock this afternoon.

### AFTERNOON SESSION.

2 o'clock P. M.

House met, and was called to order by the Speaker.

Roll called : quorum present.

Mr. Childs asked and obtained the unanimous consent of the House to move that the committee of the whole be discharged from the further consideration of

A bill to provide a military contingent fund and force;

Which motion prevailed.

On motion of Mr. Childs,

The bill was recommitted to the committee on militia.

Mr. Hodges asked and obtained leave of absence for himself until Tuesday next.

Mr. Peterson asked and obtained leave of absence for himself until Wednesday next.

Mr. A. W. Davis asked and obtained leave of absence for himself for an indefinite time, on account of sickness in his family.



Mr. Foote asked and obtained leave of absence for himself for an indefinite time, on account of sickness in his family.

SPECIAL ORDER.

On motion of Mr. Sessions,

The House went into committee of the whole on the special order,

Mr. Kelsey in the chair,

After some time spent therein, the committee rose, and through their chairman made the following report :

The committee of the whole have had under consideration the following entitled bill:

A bill to amend an act entitled an act disposing of certain grants of land made to the State of Michigan, for railroad purposes, by act of Congress, approved June 3, 1856, approved February 14, 1857,

Have made two amendments thereto, and have directed their chairman to report the same back to the House, and recommend its passage, and ask to be discharged.

S. R. KELSEY, *Chairman.*

Report accepted and committee discharged.

The House concurred in the amendments made by the committee.

Mr. Shank moved that the bill be ordered to a third reading.

Pending which motion,

Mr. Howell offered the following amendment:

Add a new section, to stand as section 2, as follows:

Sec. 2. Before any company mentioned in the act to which this is amendatory be entitled to the benefit of this act, such company shall execute, under their corporate seal, by their President, and attested by their Secretary, an instrument in writing accepting the provisions of this amendment, and file the same in the office of the Secretary of State; and in case any of said companies shall fail or neglect to fulfill said act, such company shall absolutely forfeit all claims to the lands granted to them respectively, except so far as the same may



have been, or said companies shall have a right to have applied for portions of said road actually constructed under the provisions of said act.

Mr. Jones moved to amend the amendment by adding the following: "The Indiana, Grand Rapids and Traverse Bay railroad shall be exempt from all the provisions and obligations of this act;"

Which amendment did not prevail.

Mr. Waterbury moved that the House adjourn;

Which was withdrawn.

Mr. Howell renewed the motion to adjourn;

Which motion did not prevail.

The question recurring upon the adoption of the amendment offered by Mr. Howell,

Mr. Howell demanded the yeas and nays;

The demand was seconded.

Mr Pratt moved to amend the amendment by striking out the following: "And in case any such companies shall fail or neglect to fulfill said act, such company shall absolutely forfeit all claims to the lands granted to them exclusively, except, so far as the same may have been, or said companies shall have a right to have applied for portions of said road actually constructed under the provisions of said act."

Mr. Hurd moved that the House adjourn till Monday morning at 10 o'clock,

Which was withdrawn.

Mr. Kelsey asked and obtained leave of absence for himself for an indefinite time, on account of sickness.

Mr. Ramsdell moved that the House adjourn till Monday morning at 10 o'clock.

Mr. Pringle demanded the yeas and nays.

The demand was seconded, and the motion did not prevail, by yeas and nays, as follows:

YEAS.

Mr. Atwood,  
Chapoton,  
Follett,

Mr. Howell,  
Ramsdell,  
Wheeler,

Mr. T. M. Wilson,  
J. B. Wilson,



## NAYS.

Mr. Adams,	Mr. Haire,	Mr. Rankin,
Alexander,	Henderson,	Read,
Baker,	Hemingway,	Sessions,
Beamer,	Hill,	Shank,
Blakeslee,	Hodges,	Smith,
Brownell,	Hood,	A. Stevens,
Childs,	Hurd,	Stewart,
Choate,	Jones,	Stoddard,
Cook,	Joy,	Strong,
Cooley,	Kelsey,	Taylor,
Cutcheon,	Lockwood,	Tibbits,
A. W. Davis,	Miller,	Toll,
Ira Davis,	Morrison,	Wallin,
Douglas,	Moore,	Waterbury,
Foote,	Peters,	Wetherby,
Gilbert,	Phelps,	Winans,
Goodrich,	Piper,	Woodman,
A. L. Green,	Pratt,	Woodward,
Hadley,	Pringle,	Speaker, 57

On motion of Mr. Childs,

The House adjourned till to-morrow morning at 10 o'clock.

*Lansing, Saturday, February 9, 1861.*

House met pursuant to adjournment, and was called to order by the Speaker.

Roll called : quorum present.

Absent at roll call without leave, Messrs. Baker, Chapoton, Haire, Kanouse and Strong.

Mr. Hill asked and obtained leave of absence for Mr. Kanouse for an indefinite time, on account of sickness.

Mr. Cooley asked and obtained leave of absence for Mr. Chapoton for an indefinite time, on account of sickness.

Mr. Winans asked and obtained leave of absence for Mr. Strong for an indefinite time.

Mr. Toll asked and obtained leave of absence for Mr. Haire until Monday.

Mr. Jones asked and obtained leave of absence for Mr. Baker for an indefinite time, on account of sickness.



## PETITIONS PRESENTED.

By Mr. Woodward: petition of D. W. Bartholomew, J. D. Hough, and 40 others, of Oakland county, for an act to relieve observers of the seventh day from the necessity of defending suits in violation of their consciences;

Referred to the committee on judiciary.

By Mr. Goodrich: petition of John F. Carman and 52 others, asking for a law to relieve persons holding the seventh day of the week as the Sabbath, from certain grievances;

Referred to the committee on judiciary.

By Mr. Fowle: petition of E. Thornton, John Townsend, and 35 others, of Hillsdale county, praying for the enactment of a stringent usury law;

Also, petition of Wm. Stoddard, Wm. R. Traver, and 30 others, of Hillsdale county, for the same purpose;

Referred to the committee on judiciary.

By Mr. Bunce: petition of 59 citizens of St. Clair county, asking for the repeal of the existing liquor law, and to provide for the submission to the suffrages of the people of an amendment to the constitution authorizing the passage of a license law, requiring good bonds for the judicious sale of pure liquors;

Referred to the committee on judiciary.

By Mr. Hadley: petition of T. H. Terwilliger and 83 others, praying for the passage of a law making certain alterations in a State road in Oakland county, and for the appointment of commissioners to superintend the same;

Referred to the committee on roads and bridges.

By Mr. Beamer: petition of O. L. Ingram and 28 others, asking for a law to provide for county superintendents of schools;

Referred to the committee on education.

By Mr. Beamer: petition of D. B. Pratt and 25 others, asking for the passage of a law making the sale of alcoholic liquors, to be used as a beverage, a criminal offense;

Referred to the committee on judiciary.

By Mr. Beamer: petition of D. B. Pratt and 24 others, asking certain amendments to the laws for the collection of taxes;



Referred to the committee on ways and means.

By Mr. T. M. Wilson: remonstrance of John Wright, C. B. Newbury, E. W. Giddings, A. K. Rawles and 106 others, citizens of Romeo, against the repeal of the personal liberty laws;

Referred to the committee on judiciary.

By Mr. Hill: petition of J. O. Ripley and 4 others, praying for an amendment to the laws regulating the fees of commissioners of highways;

Referred to the committee on roads and bridges.

By Mr. Hill: petition of Geo. R. Stark and 75 others, for a State road from Greenbush, in Clinton county, to St. Charles, in Saginaw county, and for an appropriation of swamp lands for the same;

Referred to the committee on public lands.

By Mr. Waterbury: petition of Mr. Comington, O. C. Cutler, and 106 others, asking for an appropriation of swamp land to assist in the construction of the State road from Midland city, in Midland county, to Sand Beach, in Huron county;

Referred to the committee on public lands.

By Mr. Joy: petition of Samuel H. Duffield and others, praying for certain alterations in the law relative to the sale of liquors, and relative to adulterated liquors;

Referred to the committee on judiciary.

By Mr. Joy: petition of Raymond Lapham, and 60 others, citizens of Detroit, for such an amendment of the constitution as to allow the Legislature to establish a banking system similar to that of Ohio and Indiana;

Referred to the committee on banks and incorporations.

By Mr. Joy: remonstrance of Gerrit Huyser and others, against allowing the common council of the city of Detroit to appropriate money to celebrate the fourth of July;

Referred to the committee on banks and incorporations.

By Mr. Alexander: petition of James L. Glenn, R. C. Paine and 48 others, citizens of Berrien county, praying for the passage of a law to define the rights and powers of the regents, president and professors, of the University of Michigan.



On motion of Mr. Alexander,

The petition was referred to the committee on the judiciary, and ordered printed in the journal.

The following is the petition :

*To the Hon. the Legislature of the State of Michigan :*

The undersigned, residents of Berrien county, State of Michigan, feeling a deep interest in the prosperity of the University of Michigan, and also believing that its present prosperous condition is owing, in a great degree, to the distinguished abilities and peculiar fitness for the position of the present chief executive officer, Dr. Henry P. Tappan, would respectfully represent that a serious difficulty exists between the regents of the university and the president, in regard to the adoption of a code of by-laws and regulations, for the government of the university, recently prepared by the regents, in which the relative constitutional powers of the regents and the president are involved and put at issue ; and whereas, we fear that unless this difficulty is settled by judicious and necessary legislation, the university and the State may lose the services of the present president, and the prosperity and usefulness of the university be seriously endangered thereby, your petitioners would respectfully pray your honorable body to pass such an act in regard to the organization and government of the university as will clearly define and settle the relative rights and powers of the regents, president and professors of the university, according to the provisions of the constitution of the State, and thereby restore harmony among its officers and place the university and its government upon a firm and permanent basis.

And your petitioners will ever pray, &c.

James L. Glenn,

V. Chapin, Jr.,

J. F. Cross,

W. B. Joslyn,

A. B. Chipman,

R. W. Landon,

C. J. Kellogg,

R. C. Paine,

E. L. Calkins,

S. H. Griffin,

J. W. Reynolds,

M. H. Andrews,

H. H. Pike,

C. D. Miller,



**J. Moore,**

Alex. W. Hall,

H. A. Chapin,

John W. Hart,

G. W. Harris,

Jerome B. Griswold,

D. H. Fred,

M. N. B. Charles,

B. Frankenburg,

Robert Brethschneider,

H. W. Thornton,

W. Graves,

Charles F. Bentley,

Wm. G. Fenor,

William Ware,

E. W. Post,

D. B. Cook,

Thos. G. Wickham,

**Thomas Douglass,**

L. Bingham,

J. C. Larimore,

H. M. Dean,

Geo. M. Wells,

B. C. Griswold,

Ralph T. Mather,

M. Crofoot,

C. B. Benedict,

S. P. L. Hunstable,

J. Woodruff,

Milo S. Brown,

Alfred Egbert,

E. R. D. Howard,

Geo. W. Davis,

Geo. Goodman,

Wm. Hurd,

Geo. N. Bond.

## REPORTS OF STANDING COMMITTEES.

The committee on banks and incorporations, to whom was referred House bill, entitled

A bill to amend an act entitled an act to incorporate the city of Battle Creek, approved February 3, 1859,

Respectfully report that they have had the same under consideration, and propose amendments thereto as follows:

1. Strike out the whole of section 3;
2. Strike out the word and figure "Sec. 4," and insert in place thereof the word and figure "Sec. 3";
3. Strike out the whole of section 5;

And recommend that when so amended, the bill do pass, and ask to be discharged from the further consideration of the subject.

**E. PRINGLE, Chairman.**

Report accepted and committee discharged.

On motion of Mr. Sessions,



The House concurred in the amendments made by the committee.

On motion of Mr. Pringle,

The bill was placed on the order of third reading.

By the committee on State affairs :

The committee on State affairs, to whom was referred House bill, entitled

A bill to provide the Auditor General's office with recorded plats of cities, villages and towns,

Have had the same under consideration, and have instructed their chairman to report the bill back to the House, with a recommendation that it be printed and placed on the general order, and ask to be discharged from its further consideration.

A. H. MORRISON, *Chairman.*

Report accepted and committee discharged.

The bill was ordered printed, referred to the committee of the whole and placed on the general order.

By the committee on State affairs :

The committee on State affairs, to whom was referred Senate bill No. 35, being

A bill to amend sections 6138 and 6140, of the compiled laws, being sections 10 and 12, of chapter 201, providing for the employment of prisoners confined in the county jails,

Have had the same under consideration and instructed their chairman to report the bill back to the House without amendment, with a recommendation that it do pass, and ask to be discharged from the further consideration thereof.

A. H. MORRISON, *Chairman.*

Report accepted and committee discharged.

The bill was referred to the committee of the whole, and placed on the general order.

By the committee on State affairs:

The committee on State affairs, to whom was referred House bill, entitled

A bill to amend section 5, of chapter 81, of the revised stat-



ates of 1846, being section 2486 of compiled laws, relative to bonds of county treasurers in certain cases,

Have had the same under consideration, and instructed me as their chairman to report the same back to the House without amendment, recommend its passage, and ask to be discharged from the further consideration of the same.

A. H. MORRISON, *Chairman.*

Report accepted and committee discharged.

On motion of Mr. Morrison,

The bill was placed on the order of third reading.

By the committee on towns and counties :

The committee on towns and counties, to whom was referred House bill, entitled

A bill to organize the county of Bleecker ;

Have had the same under consideration, and being fully satisfied that the interests of the State require the organization of said county, the committee direct me to report in favor of the bill, with the recommendation that the same do pass, and ask to be discharged from the further consideration of the same.

J. B. WILSON, *Chairman.*

Report accepted and committee discharged.

The bill was ordered printed, referred to the committee of the whole, and placed on the general order.

By the committee on towns and counties :

The committee on towns and counties, to whom was referred

A bill to organize the township of Garden Island,

Have had the same under consideration, and having made some amendments thereto, direct me to report in favor of the bill, with the recommendation that, when so amended, the bill do pass, and the committee be discharged from the further consideration of the same.

J. B. WILSON, *Chairman.*

Report accepted and committee discharged.

On motion of Mr. Childs,



The House concurred in the amendments made by the committee.

The bill was referred to the committee of the whole, and placed on the general order.

By the committee on roads and bridges :

The committee on roads and bridges to whom was referred the petition of John C. Smith, John Evans, and 25 others, asking for an appropriation of swamp lands to help in building a bridge at the only point where the Grand River turnpike crosses the Grand River,

Have had the same under consideration, and have instructed me to report the same back to the House, without action, and recommend its reference to the committee on public lands.

N. K. GREEN, *Chairman*.

The recommendations of the committee were concurred in, and the bill was referred to the committee on public lands.

By the special committee on investigation of State Treasury:

The joint committee of the Senate and House of Representatives, for the investigation of the Treasury Department of the State of Michigan, and the official acts of John McKinney, &c., have instructed us to report the following facts for their consideration, viz.: That the late State Treasurer, John McKinney, having been previously summoned to appear as a witness, after considerable delay, appeared before them last evening, at the adjourned meeting of the committee, and being asked by the chairman to be sworn, requested to be informed of the authority by which the committee acted, and the resolution of the two Houses having been fully read and explained to him, he was again asked if he would be sworn, when he requested first to know the oath he was required to take, which was written and handed to him to read, as he desired. It was in the following words, viz.:

“ You do solemnly swear that the answers you shall make to the interrogatories which may be put to you, touching the matters which are the subject of investigation before this committee, shall be true.”



He then, in the following words, refused to be sworn, viz:

"I decline to be sworn by you or to answer any questions touching the subjects of your inquiry, and the following are my reasons for declining, viz.: I understand that I am threatened with a criminal prosecution, and have reason to anticipate that such prosecution may be instituted; I therefore decline to be sworn or to answer any questions, from motives of self protection."

That thereupon the committee stated to the said McKinney, in substance, that their power was for the present exhausted, and he might retire; but with the information, also, that his examination might yet be required certainly upon some points, and that he was not discharged from his attendance upon the committee for examination, and that he was to remain here until the further pleasure of the Legislature should be ascertained in the matter.

For this end, and to enable the Houses to determine what action they will take, the committee respectfully place before them these facts and await their further pleasure.

H. P. BALDWIN,

*Chairman of the Senate Committee.*

JAMES F. JOY,

*Chairman of the House Committee.*

•Report accepted.

#### MESSAGES FROM THE SENATE.

The Speaker announced the following:

SENATE CHAMBER,  
Lansing, February 7, 1861 }

*To the Speaker of the House of Representatives:*

SIR :—I am instructed to return to the House the following entitled joint resolution:

Joint resolution for the transfer of certain scientific works from the State library to the library of the University,

Which the Senate has amended as follows:

After the word "University," in the second line, insert the words "subject to be returned, at any time, to the State Libra-



ry, on the order of the Legislature or Governor;" and at the end of the resolution add the following proviso: "*Provided, No proceeding to transfer any book, or other works, under this resolution, shall be had until the librarian of the University, or other person in charge of the University library, shall first receipt to the State librarian for all books, maps, plates, or other works now in the University library, naming them, and at any time heretofore transferred to the University library from the State library, and also for all books and other works contemplated to be transferred by this resolution, stating that the same have been and are received subject to be returned on the order of the Legislature or Governor;*"

In the passage of which, as thus amended, the Senate has concurred by a majority vote of all the Senators elect

Very respectfully,

A. B. TURNER,

*Secretary of the Senate.*

Mr. Howell moved that the House concur in the amendment made by the Senate ;

Which motion prevailed, by yeas and nays, as follows :

YEAS.

Mr. Adams,  
Alexander,  
Atwood,  
Beamer,  
Blakeslee,  
Brownoll,  
Bunce,  
Childs,  
Choate,  
Cook,  
Cox,  
Cutcheon,  
A. W. Davis,  
Douglas,  
Follett,  
Fowle,  
Gilbert,  
Goodrich,  
Gregory,

Mr. Hadley,  
Henderson,  
Hemingway,  
Hill,  
Hood,  
Howell,  
Hurd,  
Jones,  
Leetch,  
Lockwood,  
Miller,  
Morrison,  
Moore,  
Persons,  
Peters,  
Phelps,  
Piper,  
Pratt,  
Pringle,

Mr. Read,  
Sessions,  
Shank,  
Smith,  
A. Stevens,  
Stewart,  
Stoddard,  
Taylor,  
Tibbits,  
Toll,  
Wallin,  
Warner,  
Waterbury,  
Wetherby,  
Wheeler,  
T. M. Wilson,  
J. B. Wilson,  
Winans,  
Woodman,



A. L. Green,  
N. K. Green,

Ramsdell,  
Rankin,

Woodward,  
Speaker, 63

NAYS. 0

The joint resolution was referred to the committee on engrossment and enrollment.

Also the following :

SENATE CHAMBER,  
*Lansing, February 9, 1861.* }

*To the Speaker of the House of Representatives:*

SIR:—I am instructed to return to the House the following entitled bill :

A bill to continue the authority of circuit court commissioners, after the expiration of their term of office, in certain cases;

In the passage of which the Senate has concurred by a majority vote of all the Senators elect.

Very respectfully,

A. B. TURNER,

*Secretary of the Senate.*

The bill was referred to the committee on engrossment and enrollment for enrollment.

Also the following :

SENATE CHAMBER,  
*Lansing, February 9, 1861.* }

*To the Speaker of the House of Representatives:*

SIR :—I am instructed by the Senate to transmit the following joint resolution :

Joint resolution on prefix of names of State officers and Legislature to the publication of laws of the State,

Which has passed the Senate by a majority vote of all the Senators elect, and in which the concurrence of the House is respectfully asked.

Very respectfully,

A. B. TURNER,

*Secretary of the Senate.*

The joint resolution was read a first and second time by its title, and referred to the committee on State affairs.



Also the following :

SENATE CHAMBER,  
Lansing, February 9, 1861. }

*To the Speaker of the House of Representatives :*

SIR :—I am instructed to return to the House the following entitled bills :

A bill to amend an act entitled an act to incorporate the village of Bay City, approved February 9, 1859 ;

Also,

A bill to amend section 86, of an act entitled an act to amend chapter 93, of the revised statutes of 1846, entitled of courts held by justices of the peace, the same being section 3738, of the compiled laws ;

Which the Senate has amended by striking out in the 5th line, the words, "on his own motion ;"

In the passage of which, as thus amended, the Senate has concurred by a majority vote of all the Senators elect, and has ordered the same to take immediate effect by a vote of two-thirds of all the Senators elect.

Very respectfully,

A. B. TURNER,

*Secretary of the Senate.*

The first named bill was referred to the committee on engrossment and enrollment.

The amendment to the second named bill was concurred in, by yeas and nays, as follows :

YEAS.

Mr. Adams,	Mr. Hadley,	Mr. Read,
Alexander,	Henderson,	Sessions,
Beamer,	Hemingway,	Shank,
Blakeslee,	Hill,	Smith,
Bunce,	Hood,	Stewart,
Childs,	Howell,	Stoddard,
Choate,	Hurd,	Taylor,
Cook,	Jones,	Tibbits,
Cox,	Joy,	Toll,
Cutcheon,	Leetch,	Warner,
Ira Davis,	Lockwood,	Waterbury,



Follett,  
Fowle,  
Gilbert,  
Goodrich,  
Gregory,  
A. L. Green,  
N. K. Green,

Moore,  
Persons,  
Phelps,  
Piper,  
Pratt,  
Ramsdell,  
Rankin,

Wheeler,  
T. M. Wilson,  
J. B. Wilson,  
Woodman,  
Woodward,  
Speaker,

53

## NAYS.

Mr. Atwood,  
Pringle,

Mr. Wallin,

Mr. Winans,

4

The bill was then referred to the committee on engrossment and enrollment.

## MOTIONS, RESOLUTIONS AND NOTICES.

Mr. Follett moved that the committee of the whole be discharged from the further consideration of House bill, entitled

A bill to amend an act entitled an act to organize the county of Mecosta, and to locate the county seat thereof, approved February 11, 1859 ;

Which motion prevailed.

On motion of Mr. Sessions,

The bill was placed on the order of third reading.

Mr. Tibbits offered the following:

*Resolved*, That the use of this Hall be granted to the firemen this afternoon for the purpose of cleaning and putting the same in order.

Which was adopted.

Mr. Warner gave notice that on some future day he would ask leave to introduce

A bill to protect the fisheries of this State.

Mr. Warner gave notice that on some future day he would ask leave to introduce

A bill to amend an act entitled an act to provide for the drainage and reclamation of swamp lands by means of State roads and ditches, approved February 12, 1859, by adding additional sections thereto.

Mr. Cutcheon gave notice that on some future day he would ask leave to introduce



A bill to amend certain sections of an act entitled an act to revise the charter of the city of Ypsilanti, approved February 15, 1859.

Mr. Shank offered the following :

*Resolved*, That the use of this Hall be granted to W. J. Gosse, of Wisconsin, for a lecture on temperance, next Sunday evening, February 10th ;

Which was adopted.

Mr. Wheeler offered the following :

*Resolved*, That the Grand Rapids and Indiana railroad company be requested to report to this legislature their true condition as regards section 18 of an act disposing of certain grants of land to the State of Michigan for railroad purposes, by act of Congress, approved June 3, 1856 ;

Which was adopted.

Mr. J. B. Wilson, previous notice having been given, and leave being granted, introduced

A bill to amend an act entitled an act to provide for the incorporation of villages.

The bill was read a first and second time by its title, and referred to the committee on banks and incorporations.

Mr. Stoddard, previous notice having been given, and leave being granted, introduced

A bill to provide for laying out and constructing a State road in the counties of Tuscola, Bay and Saginaw.

The bill was read a first and second time by its title, and referred to the committee on public lands.

Mr. Stoddard, previous notice having been given, and leave being granted, introduced

A bill to provide for laying out and constructing a State road from Lapeer, in Lapeer county, to Sebewaing, in Huron county.

The bill was read a first and second time by its title, and referred to the committee on public lands.

Mr. Howell, unanimous consent being given, introduced

A bill to provide for referring orders in chancery.

The bill was read a first and second time by its title, and referred to the committee on the judiciary.



Mr. Cutcheon, unanimous consent being given, introduced  
A bill making appropriations for the support of the State Normal School.

The bill was read a first and second time by its title, and referred to the committee on ways and means.

Mr. Lockwood, unanimous consent being given, introduced  
A bill to authorize proceedings by garnishment in the circuit courts, and the district court of the Upper Peninsula.

The bill was read a first and second time by its title, and

On motion of Mr. Lockwood,

The bill was ordered printed and referred to the judiciary committee.

Mr. Ramsdell gave notice that on some future day he would ask leave to introduce

A bill to legalize the survey of a certain road in the township of Burt, in the county of Cheboygan.

Mr. Tibbits offered the following:

*Resolved*, That leave of absence be granted to Hon. William Chapoton, of Wayne, from Saturday till Tuesday of each week, on account of sickness, either of himself or family.

On motion of Mr. Cooley,

The resolution was laid on the table.

#### THIRD READING OF BILLS AND JOINT RESOLUTIONS.

House bill, entitled

A bill to amend chapter 23 of the compiled laws, relative to obstructions and encroachments of highways,

Being under consideration,

On motion of Mr. Pringle,

The bill was recommitted to the committee on roads and bridges.

Senate bill, being

A bill to amend section 25, of title 4, and section 4, of title 11, of an act entitled an act to revise the charter of the city of Grand Rapids,

Was read a third time and passed, a majority of all the members elect voting therefor, by yeas and nays, as follows:



## YEAS.

Mr. Adams,  
Alexander,  
Blakeslee,  
Brownell,  
Bunce,  
Childs,  
Choate,  
Cook,  
Cox,  
Douglas,  
Follett,  
Fowle,  
Gilbert,  
Goodrich,  
Gregory,  
A. L. Green,  
N. K. Green,  
Hadley,

Mr. Hemingway,  
Hill,  
Hood,  
Howell,  
Leetch,  
Miller,  
Morrison,  
Moore,  
Persons,  
Phelps,  
Piper,  
Pratt,  
Pringle,  
Ramsdell,  
Rankin,  
Sessions,  
Shank,

Mr. Smith,  
A. Stevens,  
Stewart,  
Stoddard,  
Taylor,  
Tibbits,  
Toll,  
Wallin,  
Warner,  
Waterbury,  
Wetherby,  
Wheeler,  
T. M. Wilson,  
Winans,  
Woodman,  
Woodward,  
Speaker,

52

## NAYS.

0

Title agreed to.

On motion of Mr. Gilbert,

By a vote of two-thirds of all the members elect, the bill was ordered to take immediate effect.

House bill, entitled

A bill to amend an act to amend certain sections of an act to incorporate the city of Flint, approved February 13, 1855, approved February 2, 1857,

Was read a third time and passed, a majority of all the members elect voting therefor, by yeas and nays, as follows:

## YEAS.

Mr. Adams,  
Blakeslee,  
Brownell,  
Bunce,  
Childs,  
Choate,  
Cook,  
Cooley,  
Ira Davis,  
Douglas,  
Follett,  
Fowle,

Mr. Hemingway,  
Hill,  
Howell,  
Hurd,  
Jones,  
Joy,  
Leetch,  
Lockwood,  
Miller,  
Morrison,  
Moore,  
Persons,

Mr. Read,  
Sessions,  
Shank,  
Smith,  
A. Stevens,  
Stewart,  
Stoddard,  
Taylor,  
Tibbits,  
Toll,  
Wallin,  
Warner,



Gilbert,  
Goodrich,  
Gregory,  
A. L. Green,  
N. K. Green,  
Hadley,  
Henderson,

Peters,  
Phelps,  
Piper,  
Pratt,  
Pringle,  
Ramsdell,  
Rankin,

Waterbury,  
Wetherby,  
Wheeler,  
T. M. Wilson,  
J. B. Wilson,  
Winans,  
Speaker, 57

NAYS.

0

Title agreed to.

Senate bill, being

A bill to authorize the First Presbyterian Society in Ann Arbor to borrow money and secure the payment thereof,

Was read a third time and passed, two-thirds of all the members elect voting therefor, by yeas and nays, as follows:

YEAS.

Mr. Adams,  
Alexander,  
Atwood,  
Beamer,  
Blakeslee,  
Brownell,  
Bunce,  
Childs,  
Choate,  
Cook,  
Cooley,  
Cox,  
Cutcheon,  
Ira Davis,  
Douglas,  
Follett,  
Fowle,  
Gilbert,  
Goodrich,  
Gregory,

Mr. A. L. Green,  
N. K. Green,  
Hadley,  
Henderson,  
Hill,  
Hood,  
Jones,  
Joy,  
Leetch,  
Lockwood,  
Miller,  
Morrison,  
Moore,  
Peters,  
Phelps,  
Piper,  
Pratt,  
Pringle,  
Ramsdell,

Mr. Rankin,  
Read,  
Sessions,  
Shank,  
Smith,  
A. Stevens,  
Stoddard,  
Taylor,  
Tibbits,  
Toll,  
Wallin,  
Warner,  
Wetherby,  
Wheeler,  
T. M. Wilson,  
J. B. Wilson,  
Winans,  
Woodward,  
Speaker,

58

NAYS.

Mr. Howell,

Mr. Stewart,

2

Title agreed to.

On motion of Mr. Pringle,

By a vote of two-thirds of all the members elect, the bill was ordered to take immediate effect.

Senate bill, being



A bill to amend act No. 248, of the laws of 1859, entitled an act to regulate fire, marine, life and health insurance companies, and their agents, associations, partnerships and individuals doing fire, marine, life and health insurance business, not incorporated by the State of Michigan, approved Feb. 15, 1859,

Was read a third time and passed, a majority of all the members elect voting therefor, by yeas and nays, as follows :

## YEAS.

Mr. Adams,	Mr. Henderson,	Mr. Read,
Alexander,	Hemingway,	Seassions,
Atwood,	Hill,	Shank,
Beamer,	Hood,	Smith,
Blakeslee,	Howell,	A. Stevens,
Bunce,	Hurd,	Stewart,
Childs,	Jones,	Stoddard,
Choate,	Joy,	Taylor,
Cook,	Lockwood,	Tibbits,
Cobley,	Miller,	Toll,
Ira Davis,	Morrison,	Waterbury,
Douglas,	Moore,	Wetherby,
Follett,	Persons,	Wheeler,
Fowle,	Peters,	T. M. Wilson,
Gilbert,	Phelps,	J. B. Wilson,
Goodrich,	Piper,	Winans,
Gregory,	Pratt,	Woodman,
A. L. Green,	Pringle,	Woodward,
N. K. Green,	Ramsdell,	Speaker,
Hadley,	Rankin,	
	NAYS	59
		0

Mr. Howell moved that the vote by which the bill was passed be reconsidered ;

Which motion prevailed.

Mr. Joy asked and obtained the unanimous consent of the House to amend the bill as follows: Add to section 4 the following proviso : "*Provided*, That for the present year the said statement may be filed at any time within three months after this act shall take effect."

The bill was then read a third time and passed, a majority of all the members elect voting therefor, by yeas and nays, follows:



## YEAS.

Mr Adams,  
Alexander.  
Atwood,  
Beamer,  
Blakeslee,  
Brownell,  
Bunce,  
Childs,  
Choate,  
Cook,  
Cooley,  
Cox,  
Ira Davis,  
Douglas,  
Follett,  
Fowle,  
Gilbert,  
Goodrich,  
Gregory,  
A. L. Green,

Mr. N. K. Green,  
Hadley,  
Henderson,  
Hemingway,  
Hill,  
Howell,  
Hurd,  
Joy,  
Lockwood,  
Morrison,  
Moore,  
Persons,  
Peters,  
Phelps,  
Piper,  
Pratt,  
Pringle,  
Ramsdell,  
Rankin,

Mr. Read,  
Sessions,  
Shank,  
Smith,  
A. Stevens,  
Stewart,  
Stoddard,  
Taylor,  
Tibbits,  
Toll,  
Wallin,  
Waterbury,  
Wetherby,  
Wheeler,  
T. M. Wilson,  
J. B. Wilson,  
Winana,  
Woodward,  
Speake,

58

## NAYS

Mr. Cutcheon,

Mr. Jones,

2

Title agreed to.

On motion of Mr. Joy,

By a vote of two-thirds of all the members elect, the bill was ordered to take immediate effect.

## UNFINISHED BUSINESS.

Being the consideration of Senate bill, entitled

A bill to amend an act entitled an act disposing of certain grants of land made to the State of Michigan, for railroad purposes, by act of Congress, approved June 3d, 1856, approved Feb. 14, 1857,

To which was pending the following amendment, offered by Mr. Howell :

Add a new section, to stand as section 2, as follows :

"Sec. 2. Before any company mentioned in the act to which this is amendatory be entitled to the benefit of this act, such company shall execute, under their corporate seal, by their President, and attested by their Secretary, an instrument in



writing, accepting the provisions of this amendment, and file the same in the office of the Secretary of State; and in case any of said companies shall fail or neglect to fulfill said act, such company shall absolutely forfeit all claims to the lands granted to them respectively, except so far as the same may have been, or said companies shall have a right to have applied for portions of said road actually constructed under the provisions of said act."

Also the following amendment to the amendment offered by Mr Pratt. Strike out the following:

"And in case any such companies shall fail or neglect to fulfill said act, such company shall absolutely forfeit all claims to the lands granted to them exclusively, except, so far as the same may have been, or said companies shall have a right to have applied for portions of said road actually constructed under the provisions of said act."

Mr. Alexander moved that the consideration of the bill be postponed until Tuesday next;

Pending which motion,

Mr. Tibbits moved that the House adjourn till Monday morning at 10 o'clock;

Which motion did not prevail.

The question recurring upon the motion to postpone the consideration of the bill until Tuesday next,

Mr. Howell demanded the yeas and nays.

The demand was seconded, and the motion did not prevail, by yeas and nays, as follows:

#### YEAS.

Mr. Alexander,  
Blakeslee,  
Choate,  
Cooley,  
Cox,  
A. L. Green,  
N. K. Green,  
Howell,

Mr. Hurd,  
Leetch,  
Morrison,  
Moore,  
Persons,  
Peters,  
Piper,  
Ramsdell,

Mr. Stewart,  
Tibbits,  
Wallin,  
Wetherby,  
Wheeler,  
Woodman,  
Woodward,  
Speaker,



## NAYS.

Mr. Adams,  
 Beamer,  
 Brownell,  
 Bunce,  
 Childs,  
 Cook,  
 Cutcheon,  
 Ira Davis,  
 Douglas,  
 Follett,  
 Fowle,  
 Gilbert,  
 Goodrich,  
 Gregory,

Mr. Hadley,  
 Henderson,  
 Hemingway,  
 Hill,  
 Hood,  
 Jones,  
 Joy,  
 Lockwood,  
 Miller,  
 Phelps,  
 Pratt,  
 Pringle,  
 Rankin,

Mr. Read,  
 Sessions,  
 Shank,  
 Smith,  
 A. Stevens,  
 Stoddard,  
 Taylor,  
 Toll,  
 Warner,  
 Waterbury,  
 T. M. Wilson,  
 J. B. Wilson,  
 Winans,

40

On motion of Mr. Leetch,

The House adjourned till Monday morning at 10 o'clock.

*Lansing, Monday, February 11, 1861.*

House met pursuant to adjournment, and was called to order by the Speaker.

Prayer by Rev. Mr. Vibbert.

Roll called : quorum present.

Absent at roll call without leave, Messrs. Follet, A. L. Green, Read, Sessions.

## PETITIONS PRESENTED.

By Mr. Piper : petition of William A. Hall, James B. Wells, and 35 others, citizens of Lenawee county, praying for the passage of a dog law ;

Referred to the committee on agriculture and manufactures.

By Mr Goodrich : petition of D. W. Gould and 25 others, for a law providing for county superintendents of schools ;

Referred to the committee on education.

By Mr. Douglas : petition of William H. Stevens and 44 others, asking for an appropriation of money for the construction of a State road from Eagle River to Copper Harbor, and thence to Keweenaw Point ;

Referred to the committee on public lands.



By Mr. Gilbert : petition of J. Hewitt, C. C. Allyn, and 30 others, for the passage of more effective laws to prevent the issue of irredeemable paper, in the similitude of bank notes;

Also, petition of R. C. Luce and 20 others, for the same purpose;

Referred to the committee on banks and incorporations.

By Mr. Pratt : petition of Thomas Merrill, D. Stayr, and 98 others, for a State road from the center of Isabella county south, and praying for an appropriation of swamp lands to aid in the construction of the same;

Referred to the committee on public lands.

By Mr. Howell : remonstrance of Warren P. Adams, John H. Standish, Amasa B. Watson, James H. Maze, and 60 others, citizens of Newaygo county, against any extension of time to the Grand Rapids and Indiana Railroad to complete their road;

The reading of the petition was called for.

The Clerk having read the same,

On motion of Mr. Howell,

The petition was laid on the table, and the body of the same ordered printed in the journal.

The following is the petition :

*To the Hon. the Legislature of the State of Michigan:*

The undersigned, citizens of Newaygo county and vicinity, understanding that a bill is now before your honorable body having for its object an extension of the time for building the first 20 miles of the Grand Rapids and Indiana Railroad, would respectfully remonstrate and protest against any extension of time whatever for said company, believing, as we do, that said company have neither the intention or the ability to construct their road. Their past course has been one of continual misrepresentation and deceit, and we most earnestly desire that they may have no further opportunity to mislead and delude the residents of Northern Michigan.

For several years, the persons now at the head of the company have drawn high salaries from the moneys paid in by the



confiding stockholders, but there is not now a single continuous mile of road graded fit to lay track over north of Grand Rapids, and any statements to the contrary are utterly false and untrue.

REPORTS OF STANDING COMMITTEES.

By the committee on the judiciary :

The committee on the judiciary, to whom was referred a petition for an amendment of section 26, of chapter 141, of compiled laws,

Respectfully report that they have had the said petition under consideration, and return it to the House with a bill drawn in accordance with the prayer of the petitioners. They recommend that the bill do pass, and ask to be discharged from the further consideration of the subject.

THOS. W. LOCKWOOD, *Chairman.*

Report accepted and committee discharged.

The bill was read a first and second time by its title, ordered printed, referred to the committee of the whole, and placed on the general order.

By the judiciary committee :

The committee on the judiciary, to whom was referred House bill, entitled

A bill to amend chapter 79, of the revised statutes of 1846, (compiled laws, chapter 103,) by adding three new sections, numbered sections 54, 55 and 56, in relation to redemptions against sales on executions,

Respectfully report that they have had the same under consideration, report it back with a recommendation that it do pass, and ask to be discharged from the further consideration of the subject.

THOS. W. LOCKWOOD, *Chairman.*

Report accepted and committee discharged.

The bill was ordered printed, referred to the committee of the whole and placed on the general order.

By the judiciary committee:

The committee on the judiciary to whom was referred various



petitions of observers of the seventh day asking to be relieved from the necessity of defending suits on that day;

Also, House bill, entitled

A bill to relieve observers of the seventh day of the week from the necessity of defending suits in violation of their consciences,

Respectfully report that they have had the same under consideration, recommend that the prayer of the petitioners be granted, and that the bill do pass, and ask to be discharged from the further consideration of the subject.

THOS. W. LOCKWOOD, *Chairman.*

Report accepted and committee discharged.

The bill was ordered printed, referred to the committee of the whole, and placed on the general order.

By the judiciary committee :

The committee on the judiciary, to whom was referred House bill, entitled

A bill to amend section 188, of chapter 117, of the compiled laws, in relation to appeals from justice's courts,

Respectfully report that they have had the same under consideration, report it back with the recommendation that it do pass, and ask to be discharged from the further consideration of the subject.

THOS. W. LOCKWOOD, *Chairman.*

Report accepted and committee discharged.

The bill was ordered printed, referred to the committee of the whole, and placed on the general order.

By the committee on State affairs:

The committee on State affairs, to whom was referred a

Joint resolution on prefix of names of State officers and legislature to the publication of laws of the State,

Have had the same under consideration, and have instructed their chairman to report the joint resolution back to the House without amendment, with a recommendation that it do pass, and ask to be discharged from the further consideration thereof.

A. H. MORRISON, *Chairman.*



Report accepted and committee discharged.

On motion of Mr. Morrison,

The joint resolution was placed on the order of third reading.

By the committee on State affairs :

The committee on State affairs, to whom was recommitted House bill No. 20, being

A bill to apportion anew the Representatives among the several counties and districts of the State,

Have had the same under consideration, and revised it so as to make it conform with the census returns of 1860, as published under the supervision of the Secretary of State, and instructed their chairman to report it back to the House as revised, with a recommendation that it be, together with House bill No. 39, made the special order for next Wednesday afternoon at 2 o'clock, and ask to be discharged from its further consideration.

A. H. MORRISON, *Chairman.*

Report accepted and committee discharged.

On motion of Mr. Childs,

The House concurred in the amendments made by the committee.

On motion of Mr. Childs,

The recommendations of the committee were concurred in, and the bill made the special order for Wednesday afternoon at 2 o'clock.

By the committee on towns and counties :

The committee on towns and counties, to whom was referred

A bill to organize the county of Delta,

Have had the same under consideration, and after hearing all the parties interested in the organization of said county, and believing it to be for the interest of the State to organize said county, direct me to report in favor of the bill, and recommend its passage, and ask to be discharged from the further consideration of the same.

J. B. WILSON, *Chairman.*

Report accepted and committee discharged.



The bill was ordered printed, referred to the committee of the whole, and placed on the general order.

By the minority of the committee on the judiciary :

The minority of the committee on the judiciary, to whom was referred several petitions for the repeal of the personal liberty laws, so called ;

Also,

A bill to repeal sections 2, 3 and 4, of an act entitled an act to protect the rights and liberties of the inhabitants of this State, approved February 13, 1855 ;

Also,

A bill to amend section 25, of chapter 150, of the revised statutes of 1846, the same being section 5735 of the compiled laws, as amended by act No. 189, of the session laws of 1859,

Respectfully report that they have been disposed to give the subject referred to them that serious consideration which belongs to it, under the circumstances in which it is now presented ; and while the undersigned regret that the repeal or non-repeal of these laws has been, as we believe, most unwarrantably sought by some to be made a question of party, we shall not be deterred by any such considerations, from meeting the question upon its merits.

If these laws are to be repealed, it must be either because they contravene some provision of the Constitution of the United States or of this State, or because they are inexpedient and unwise, or wrong in their spirit and tendency.

On page 413, of the laws of 1855, act No. 162, we find "an act to protect the rights and liberties of the inhabitants of this State," the first section of which makes it the duty of the prosecuting attorney of each county, when any inhabitant of this State is arrested or claimed as a fugitive slave, on being informed thereof, diligently and faithfully to use all *lawful* means to protect and defend such person.

To this provision in itself considered we do not see that any constitutional or other objection can be fairly made. It is no



more than a humane provision to protect the rights of those who may be unlawfully arrested.

The next three sections provide that all persons so arrested and claimed as fugitive slaves shall be entitled to the benefits of the writ of *habeas corpus* and of trial by jury, and that if the writ of *habeas corpus* be sued out in vacation, if upon the hearing, the person *imprisoned, arrested or claimed* as a fugitive slave shall not be discharged, he shall be entitled to an appeal to the circuit court of the county, in which such hearing shall have been had, on furnishing bail, &c. And that the Court to which such appeal shall be taken, or to which such writ of *habeas corpus* is returnable, shall, on application of either party to the proceeding, direct a trial by jury on all questions of fact in issue in such proceedings.

In the third sub-division of section 2, of article 4, of the Constitution of the United States, it is provided: "That no person held to service or labor in one State under the laws thereof, escaping into another *shall in consequence of any law or regulation therein, be discharged from such service or labor; but shall be delivered up on claim of the party to whom such service or labor may be due.*"

This provision of the Constitution Congress intended to carry out, first by the act of February 12, 1793, chap. 51-7, which provides a mode of making the claim and proof that labor or service is due, a tribunal before which the claim and proof is to be made, the provisions of which are sufficiently familiar to make its citation unnecessary; and still further by the Fugitive Slave Law of 1850.

This Constitution was adopted but twelve years after the Declaration of Independence, and at a time when slavery existed, to a greater or less extent, in all the States of the Confederacy. But then many of them were taking steps for its gradual abolition, to which, as a desired consummation, those Patriots and true statesmen of the time, George Washington, James Madison and Thomas Jefferson, looked with an earnest desire to see accomplished, as soon as it could safely be done. In many of



the States, however, this could not then be accomplished. By the Law of Nations and by the common law, the state of slavery is considered as a mere municipal regulation, limited to the range of the jurisdiction where it exists. And no State was bound to recognize the condition of slavery as to foreign slaves found within its territorial limits.

The clause of the Constitution above recited became therefore a necessary condition precedent to the adherence of those States to the Union which did not contemplate, from any cause, the speedy abolition of slavery.

Now, if this clause, or the laws passed by Congress to carry it into effect, and in pursuance of it, could be rendered ineffectual, or hindered by State legislation, then, so far forth, the Constitution would be nullified. In the language of Mr. Justice Story, in the case of *Prigg vs. Pennsylvania*, 16 Peter's Reports, page 612, decided in 1842:

"The clause manifestly contemplates the existence of a positive, unqualified right on the part of the owner of the slave, which no State law can in any way *qualify, regulate, control or restrain*. The slave is not to be discharged from service or labor in consequence of any State law or regulation; now certainly, without indulging in any nicety of criticism upon words, it may fairly and reasonably be said, that any State law, or State regulation," (we are still quoting Judge Story's words,) "which interrupts, limits, delays or postpones the right of the owner to the immediate possession of the slave, and the immediate command of his service and labor, operates *pro tanto* as a discharge of the slave therefrom."

Congress having undertaken to provide for carrying out this provision of the Constitution, and its action being in conformity with the provisions of the Constitution, as has been repeatedly decided in the State courts of Massachusetts, New York and Pennsylvania, and in every court of the United States, where it has been called in question, it becomes a question, how far the States can properly legislate upon the same subjects.

It may be conceded that in some subjects Congress has con-



current power of legislation with the States. But on this subject of the recapture of fugitive slaves, it would seem to be a necessity that Congress should possess sole jurisdiction over the subject. First, because the power exists only by virtue of the Constitution of the United States, and is there for the first time recognized ; and is there recognized as an absolute right and duty throughout the entire Union. As Mr. Justice Story remarks in the case before referred to—"It is in a just sense a new and positive right, independent of comity, confined to no territorial limits, and bounded by no State institutions or policy." And again. "It would be a strange anomaly and forced construction to suppose that the national government meant to rely for the due fulfillment of its own proper duties and the rights which it intended to secure upon State legislation, and not upon that of the Union. *A fortiori*, it would be more objectionable to suppose that a power which was to be the same throughout the Union, should be confided to State Sovereignty, which could not rightfully act beyond its own territorial limits."

Secondly. The nature of the power and the objects sought to be attained render it necessary that it should be exercised and controlled by the same will, and that uniform regulations should exist over the entire Union. If the States have the right of legislation on this subject, each State will adopt its own policy, publish its own rules and forms according to the feelings and perhaps prejudices of its people. And the laws of one State may be in direct conflict with, and wholly inconsistent with those of another. "Whenever," says Chief Justice Marshall, in the case of *Sturgis vs. Crowningshield*, 4th Wheaton's Reports, 122, "the terms in which a power is granted to Congress, or the nature of the power requires that it should be exercised exclusively by Congress, the subject is as completely taken from State Legislatures, as if they had been forbidden to act."

The supreme court of the United States, therefore, in the case of *Prigg vs. Pennsylvania*, in 1842, the opinion of the court being rendered by Justice Story, of Massachusetts, and concurred in, as to its main conclusions, by Judges Thompson and Bald-



win, all three of whom are gone beyond the conflicts of the present day, and by Chief Justice Taney and Mr. Justice McLean and Mr. Justice Daniels, decided on these grounds that the act of Pennsylvania of 1826, entitled "an act to give effect to the provisions of the Constitution of the United States, relative to fugitives from labor, for the protection of free people of color, and to prevent kidnapping," under which Prigg was arrested and indicted for reclaiming and carrying into Maryland a fugitive slave, under the provisions of the Constitution and act of Congress, without conforming to the provisions of the State law, was unconstitutional and void.

The majority of the court holding that the power of legislation in relation to fugitives from labor is *exclusive* in the National Congress, and that no State can pass any law upon the subject.

In this, Justices Story and McLean agree; while Chief Justice Taney and Justice Thompson hold that the States might enact laws on this subject, *which did not impair* the right of recapture, but none which *impeded* or *hindered* it. But *all agreeing* that the points decided do not interfere with the police power of the States to arrest and imprison fugitives from labor, to guard against their depredations or misconduct, or to punish them for crimes committed in the States where found. All the Judges concurred that the constitutional provision on this subject was a fair compromise. The Southern States agreeing on their part that the importation of slaves into the United States should be prohibited after 1808. We may remark, in passing, in view of this last consideration, that it behooves the free States to be cautious about infringing upon their part of the bargain.

The Supreme Court of the State of New York announced the same doctrine unanimously in 1834, in the case of Jack vs. Martin, 12th Wendell's Reports, 312, in which the constitutionality of the law of that State providing for the writ of *de homine replegiando*, or writ for replevying a man, as against the agent or person claiming a fugitive slave, came directly in question. That court declared that the law of the United States, enacted



to carry out the constitutional provisions, the Constitution being conceded to be supreme, "must be paramount from necessity, to avoid the confusion of adverse and conflicting legislation;" that, "so far as the States are concerned, the power, when thus exercised, is then exhausted; and though they might have desired different legislation on the subject, they cannot *amend, qualify, or in any manner alter it.*" That "this principle is undoubtedly essential to the peace and harmony of the two governments."

Our own Supreme Court, six years since, unanimously decided the same doctrine, except that in that case the power of legislation was concurrent and not exclusive, being not in a slave case, but no less conclusive for that reason on principle. The act of Congress of 1850 provides that mortgages on enrolled and licensed vessels shall be recorded in the office of the Collector of Customs for the proper district. The State law of 1846, provides that all chattel mortgages shall be recorded in the office of the town clerk. The act of Congress is authorized, as all agree, under the clause in the Constitution, providing that Congress may regulate commerce. The court agreed that the State law, so far as it was inconsistent with the act of Congress, must yield.

The same principles are also abundantly decided in various cases, arising upon statutes on various subjects in the State and United States courts.

But it would seem that the plain language of the Constitutional provision in question, "that no person held to labor in one State under the laws thereof, escaping into another, shall in consequence of *any law or regulation therein*, be discharged from such service or labor," can hardly be mistaken by a candid mind.

Now those sections of the statute of Michigan of 1855, proposed, by the bill referred to the committee, to be repealed, provide for a different mode of trial from either of the acts of Congress framed in accordance with this Constitutional provision, and provide, as did the laws of Pennsylvania and New York, in



the cases above referred to, for transferring the case from the authorities provided by the act of Congress, to a tribunal of its own.

Now if a fugitive be discharged, under the *habeas corpus*, or on a jury trial, who had been taken, under the act of Congress, is he not discharged from service or labor in consequence of the law of this State into which he has fled? We think it clear that he is.

The undersigned cannot, therefore, resist the conclusion that those sections of the act last referred to are unconstitutional, and should for that reason, if no other, be repealed.

But it has lately been claimed that this law was not enacted for the purpose of preventing or hindering the arrest of fugitive slaves. What else could have been its object, judging from its provisions, its language and the circumstances? For any other purposes of personal liberty, and the prevention of kidnapping of our own citizens, ample provisions were already in the statute book; the known and inevitable operation of the act, if carried out, must be to prevent the rendition of fugitive slaves, and we can only judge of the intent of an act by its necessary consequences, unless the lawmakers have otherwise specially declared their intent. But in this instance we are not left wholly in the dark on this point, so far, at least, as the declaration of a committee, of the last Legislature, on federal relations, are concerned when this subject was before them.

They distinctly declare in their report, that "the act of February 13, 1855, was designed, and if faithfully executed will accomplish the object" for which the petitioners pray. In one of the petitions referred to them, which, as the report states, was for the passage of a law "to prevent the delivering up of fugitive slaves," (House Journal of 1859, p. 527,) there was no other reason for the enactment of these sections. It was a fully recognized principle of American as well as English common law, that every slave who sets his foot on our soil becomes thereby free. And it is only by operation of the clause of the Constitution we have recited, and the laws passed in pursuance



of it, that a slave can remain such on our soil, and under that provision, only when he is a fugitive and reclaimed according to its provisions.

Such a law, too, being as we have shown wholly unnecessary for any practical purpose, except it be intended to interfere with the remanding of fugitive slaves, was extremely inexpedient and unwise in its origin; but under present circumstances it becomes, in our judgement, obstinate persistence in wrong, to retain it on the statute book. We say persistence in wrong, both because the provisions of the law we have recited are unconstitutional, and because it is wrong to retain an unnecessary law, which is the occasion of ill feeling, discord and strife, both among our own people and between ourselves and sister States of this confederacy. We therefore unhesitatingly recommend that the second, third and fourth sections of the act of 1855 referred to, be repealed.

The amendment made by act 189, of the laws of 1859, to section 25, of chapter 153, of the revised statutes, provides that every person "who shall bring any negro, mulatto, or other person into the State claiming him or her as a slave, shall be punishable by imprisonment in the State prison not more than ten years, or by fine not exceeding one thousand dollars."

This provision, so far as it provides a punishment for an act which in some cases is lawful according to the clause of the Constitution and acts of Congress we have referred to, cannot be sustained. A fugitive slave from Missouri may be taken in New York or in Ohio, under the act of Congress, and remanded, and the usual and natural route for his return would be through this State. And should the person having him in charge under the certificate granted under the act of Congress be met by a mischief-maker, of whom there are too many, and asked if the negro was a slave, and should reply affirmatively, he would thus be claiming him to be a slave, and according to the plain letter of the law of 1859 above recited, would be rendered liable to its penalties. Such a law, according to the principles before adduced and supported by the cases cited, cannot be constitutional.



so far forth. But it is said the Courts would not apply the act to such a case; they would hold that such was not the intent of the act. What then was its intent? The common sense and statutory rule of construction of law as laid down in section 3, of chapter 1, of the revised statutes, being section 2, of the compiled laws, in the first sub-division of that section is as follows: "All words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases and such as have acquired a peculiar and appropriate meaning in the law, shall be construed and understood according to such peculiar and appropriate meaning."

Such a rule is necessary for the public safety. The people at large are not lawyers, and naturally expect and believe that laws they are called upon to obey, mean what they express. This rule has never been relaxed by the courts of last resort in cases of conflict between State and United States laws, and in no other case, except occasionally when courts wished to avoid a hard consequence of a general rule, and as they think, in order to attain justice in a particular case, construe a statute to mean, what it should be made to mean. Again, there was no occasion for such an amendment of the statute for any other purpose. No one could voluntarily bring and *retain* a slave in this State by our law as it previously stood. Why, then, attempt to punish as a crime, merely to claim a negro to be a slave, when it is impossible to make that claim a reality, without incurring the penalty previously created?

It has been said that this amendment was made to avoid the effect of the principles announced by some of the Judges of the Supreme Court of the United States in the Dred Scott case, under which it was feared that slavery could be established in Michigan, and such seems to have been the motive power applied to the committee of this House, who, in 1859, repealed the amendment in question. [See journal 1859, p. 527.] We do not hold ourselves bound, nor does any court, by the atrocious doctrines, so announced by judges, which were wholly outside of the case before them, or upon the point upon which they pro-



fessedly decided the case. So far as the opinions in that case are beyond the case itself they are mere political documents. We might be disposed to give them the weight of opinions of good lawyers, did they not bear the ear-marks of partizanship. But suppose these opinions to be law ; then they are constructions of the constitution and acts of Congress, and so far as the law of 1859 is opposed to them, it is as unconstitutional as it is in the view we have before taken. The laws of the United States must neither be resisted or nullified in this manner by loyal States.

It ill becomes us who make charges of nullification and treason against the seceding States to take such a step; we should clear our own skirts of all suspicion of complicity with nullification in the present crisis, and thus take away every just ground of complaint. If when we have done this our Southern brethren still persist in their mad schemes of rebellion and civil war, we have but to meet the issue like men who dare be free, but until then we cannot do it with clean hands or pure hearts, neither could we indulge in the hope that the God of battles would smile upon our cause.

And now in concluding this report, for the sake of confirming the views we entertain and of satisfying some who have said that if they could know what were the opinions of the Judges of our Supreme Court on the subject we have discussed they would be satisfied, we will embody some extracts from letters from three of the gentlemen who occupy seats on that bench, written to be sure as private citizens who had a right to have and express their views, and although not of binding force, are certainly evidence of their views as lawyers and entitled to great respect, at the same time remarking that we understand the remaining Judge concurs in the same views.

Chief Justice MARTIN says : " I regard the law of 1855, both *unnecessary*, as the common law affords ample protection to the citizen if illegally arrested, and *unconstitutional* as infringing upon the jurisdiction of Congress, which I hold to be exclusive upon the subject of the arrest and restoration of fugitives from



labor? so far as it renders penal, without qualification, an act which in many cases is made lawful by the Constitution and laws of the United States, and is certainly contrary to the spirit of the Constitution." And again. "Why should it be made a penal offense to merely claim that which is impossible to make effectual, without incurring a liability already provided for." And again. "The difference between the *nullification* of a law of Congress and secession, is not so very wide that we can with justice condemn the one, if we are ourselves guilty of the other."

Says Judge CAMPBELL, in another letter: "When the Constitution of the United States places any subject under the control of the Legislature or other authority of the Union, it is either removed entirely from the province of State legislation, or, (in cases where concurrent powers may be properly exercised,) exempted from the operation of any unfriendly action. When Congress has once acted upon such a subject, no State can interfere with the Congressional action." Speaking of the case of *Prigg, vs. Pennsylvania* we have cited, Judge Campbell says: "I think that decision is not only binding, but is right in principle." Again, he says—"Our statutes do not merely legislate upon the same subjects with the acts of Congress, but they are plainly inconsistent with those acts. The Constitution plainly, and the acts of Congress expressly, contemplate that a claim to fugitives shall be disposed of more simply and speedily than suits in the ordinary course of legal proceeding, which may be protracted indefinitely. When a fugitive is arrested under the act of Congress, no State has any right or power to interfere with the proceedings. They are under the control, and therefore under the protection, solely of the United States, nor has any State the right to interpose obstacles in the way of a lawful private arrest, which will vexatiously delay or impede it." Again, in referring to the claim made by some, that these laws may be allowed to stand for proper purposes, and that if evil as to others, there is no need of their repeal, he says that "when a Court declares a thing plainly within the language of a statute, to be exempt from its operation, because if embraced,



it would render the law unconstitutional, it is merely a roundabout way of declaring that the law is invalid. The meaning of a statute is not allowed to be gathered from outside sources. Those who enacted it, may have differed very widely in their views of its effect. It is not to be presumed that any honest man would *knowingly* violate his oath; and no explanation or declaration in any form, can alter the meaning which the words fairly express." "Should such legislation be permitted to stand? We think not. When attention has been called to any existing abuse, those who permit it to continue are justly held responsible in the eyes of all men for its further continuance." "To subject the State to the imputation of nullification, is to expose our honor."

Judge CHRISTIANCY, in another letter on this subject, says: "The abstract question whether these laws are unconstitutional is of no practical importance, it is a mere abstraction, for such is the peculiar nature of the case, that the practical effect of either construction is the same, the one holding that it does not contain a particular provision, the other that it does contain that provision, but that such provision is void, and therefore, in legal effect the same as if it had never been inserted. But while these acts remain upon the statute book unaltered, until decided upon by the court of last resort, they will continue to have all the practical effect of constitutional laws. They are calculated to create doubts and to lead to litigation. Their effect is also the same upon the public mind, both of the North and of the South. For to the popular apprehension, all laws will be understood to operate to their literal extent." And again the same gentleman remarks: "In such a contest as that we are now entering, we should not only *be*, but we should *also appear to be* clearly in the right." Again, in speaking of the act of 1859, he says: "I cannot doubt that truth, justice, and sound policy, equally require that the acts in question, should be so modified as to bring them clearly and expressly within the federal Constitution."

Judge CHRISTIANCY reaches his conclusions by a different road



from the other two judges from whose letters we have extracted, but he arrives at the same point,—the repeal and modification of these laws. These letters, of course, are not cited as binding authority, but as confirmation from a high source of the opinions of the minority of your committee.

At this point in their report, the minority of your committee have been favored with having heard read on the floor of this House, the report of their brethren of the majority, and we cannot, in justice to the subject, refrain, even now, from noticing briefly, some points in that document which we consider most unfairly sustained. It is endeavored by the majority to evade the full force of the case of *Prigg vs. Pennsylvania*, by a sweeping assertion that all those portions of the opinions in that case which apply to the matter now in issue were "*obiter dicta*," or "idle gabble of the Judge." Now we assert without fear of successful contradiction, that the whole Court who sat in that case, certainly seven Judges, possibly nine, though if Justices Catron and McKinley were present, they gave but a silent assent, agreed in the main essential point that all *unfriendly* State legislation on the subject of the restitution or re-capture of fugitive slaves was unconstitutional and void. Judge Taney, it is true, holds that the States may and should pass laws to *aid and assist* in carrying out the act of Congress, and *therefore*, that the power of Congress, is not *exclusive*. But he holds, as do the whole Court, that the States can pass *no* act to *impede* or hinder the execution of the provision of the Constitution, or the laws framed under it. And this may be seen at a glance by referring to the opinion of Mr. Justice Wayne, on page 626 of vol 16, Peter's Reports, who sums up the views of all his brethren, and concurs wholly with Judge Story.

So also the majority attempt to evade the force of the case of *Jack vs. Martin*, in 12th Wendell's Reports, by saying that the law of New York, in review in that case, provided for a *replevin*, and not a *habeas corpus*. But were it not for the provision of the constitution in question, the *replevin* would be equally as legal as the *habeas corpus*. The opinion of the Court in that



case, for the purpose for which we have before referred to it, is too clear and decisive to be avoided in this way. And then the report lapses into a rhapsody over the *moderation* of the legislature of 1855, in not enacting a much more stringent law. From such moderation may Heaven protect us. What kind of moderation it was the committee on federal relations of this House of 1859, seem to have been fully aware. (See Journal, pages 527 and 528.)

The committee of 1859 thought the law of 1855, if faithfully executed, would prevent the delivering up of fugitive slaves. Now under the excitement of the time, perhaps it is not strange that gentlemen of that committee who were not lawyers should sanction such an intent. But shall we "who know the right, the wrong pursue." The majority report also takes the ground that the fugitive slave act of 1850 is unconstitutional, in so far as it denies the writ of *habeas corpus*. But we ask if this were so, does the law of 1793, allow the *habeas corpus*, or do the principles announced by any of the seven judges in *Prigg vs. Pennsylvania*, under that act, or do the majority of the committee now for the first time decide that act to be unconstitutional, and is not that act still in force. In this connection the majority cite the case of *Ableman vs. Booth*, 21 Howard, page 506, as sustaining their position, and then extract from the opinion of the court the following:

"We do not question the authority of a State court or judge, who is authorized by the laws of the State to issue the writ of *habeas corpus*, to issue it in any case where the party is imprisoned within its territorial limits, provided it does not appear, when the application is made, that the person imprisoned is in custody under the authority of the United States. The court or judge has a right to inquire, in this mode of proceeding, for what cause and by what authority the prisoner is confined within the territorial limits of the State sovereignty. And it is the duty of the marshal, or other person having the custody of the prisoner, to make known to the judge or court, by a proper return, the authority by which he holds him in custody. This right to inquire by process of *habeas corpus*, and the duty of officers to make a return, grows necessarily out of the complex character of our government, and the existence of two distinct



and separate sovereignties within the same territorial space, each of them restricted in its powers, and each, within its sphere of action, prescribed by the constitution of the United States, independent of the other. But, after the return is made, and the State judge or court judicially apprised that the party is in custody under the authority of the United States, they can proceed no further. They then know that the prisoner is within the dominion and jurisdiction of another government."

We confess we are now only writing from memory of what the report contains as we heard it read. But allow us to finish the paragraph, and the majority may have all they make by the citation. The Court proceeds in these words :

"And that neither the writ of *habeas corpus*, nor any other process, issued under State authority, can pass over the line of division between the two sovereignties. He is then within the dominion and exclusive jurisdiction of the United States. If he has committed an offence against their laws, their tribunals alone can punish him. If he is wrongfully imprisoned, their judicial tribunals can release him and afford him redress. And although, as we have said, it is the duty of the Marshal, or other person holding him, to make known, by a proper return, the authority under which he detains him, it is at the same time imperatively his duty to obey the process of the United States, to hold the prisoner under it, and to refuse obedience to the mandate or process of any other government. And consequently it is his duty not to take the prisoner, nor suffer him to be taken, before a State judge or court upon a *habeas corpus* issued under State authority. No State judge or court, after they are judicially informed that the party is imprisoned under the authority of the United States, has any right to interfere with him, or require him to be brought before them. And if the authority of a State, in the form of judicial process or otherwise, should attempt to control the Marshal or other authorized officer or agent of the United States, in any respect, in the custody of his prisoner, it would be his duty to resist it, and to call to his aid any force that might be necessary to maintain the authority of law against illegal interference. No judicial process, whatever form it may assume, can have any lawful authority outside of the limits of the jurisdiction of the court or judge by whom it is issued ; and an attempt to enforce it beyond these boundaries is nothing less than lawless violence."

This is the opinion of the Supreme Court of the United States on writ of error in the well known Wisconsin case.



Had we the report before us, we might further be tempted to notice much of its sophistical reasoning; but we think most candid intelligent readers will be able to do this for themselves.

In conclusion, then, the minority of your committee herewith report the bill to repeal sections two, three and four, of an act entitled "an act to protect the rights and liberties of the inhabitants of this State," approved February 13, 1855, referred to them, and recommend its passage. And as to the bill to amend section twenty-five, of chapter 153, of the revised statutes of 1846, being section 5735 of the compiled laws, as amended by act 189, of the session laws of 1859, we propose to amend the same so that the penalty shall be applied only to those "who shall, without authority of law, bring any negro, mulatto or other person of color into this State, against his or her will and shall endeavor to hold him or her as a slave in this State."

Thus avoiding the application of the penalty to the case of a party passing through this State, with a remanded slave, under the act of Congress; and also the mere naked claiming of a slave who has of his own accord accompanied his master on a northern summer tour, and herewith submit an amendment for that purpose, and recommend the passage of the bill thus amended, and ask to be discharged from the further consideration of the subject.

THOS. W. LOCKWOOD,  
M. M. ATWOOD.

I agree with that portion of the above report which refers to the law of 1859, and favor the amendment proposed.

GILBERT E. PRATT.

Report accepted.

On motion of Mr. Howell,

The reports of the majority and minority of the committee were ordered printed together in pamphlet form, for the use of the House.

The first named bill was ordered printed, referred to the committee of the whole, and placed on the general order.

On motion of Mr. Gregory,



The amendments to the second named bill were concurred in.

On motion of Mr. Howell,

The second named bill was laid on the table, and leave granted the minority of the committee to report thereon.

By the minority of the committee on judiciary:

The undersigned, the minority of the committee on the judiciary, to whom were referred sundry petitions for the restoration of the provisions of the prohibitory liquor law as originally passed, dissenting from the conclusions arrived at by the majority, ask leave respectfully to submit to the House the reasons that have influenced their judgment.

The subject before us, in the opinion of the undersigned, finds an infinitely wider range than a mere ordinary question of simple State policy. It involves in a prominent degree the political, social, moral and religious interests of not only the present generation but of unborn millions yet to be.

Prohibitory laws are intended to exercise a restraining and reformatory influence upon the vicious habits and passions of the people. The extent of that influence depends entirely upon the moral sense of the populace. The public sentiment in all communities is especially sensitive to any real or apparent inconsistency that may characterize legislative enactments in relation to existing evils of kindred character.

And in the judgment of the minority, any discrimination by a legislative body between the several classes of intoxicating beverages which permits the unlimited manufacture of, and indiscriminate traffic in one or more, while at the same time it totally prohibits the manufacture and traffic in others, under severe pains and penalties, has no other effect than to induce an utter disregard of such laws, besides setting in motion an under current that may ultimately set at defiance all lawful authority, and not unfrequently inspires supreme loathing and contempt of the law-maker. Hence it is that innumerable complaints, borne on the wings of the wind in rapid succession, come up to salute our ears from every city, village and hamlet in the State, of the inefficiency of the law, for the want of public sen-



timent to sustain it. These appeals to our philanthropy come fraught with life pictures of blasted prospects, crushed hopes, poverty, want, degradation and crime, heightened and embellished by the bitter, scalding tears of broken hearted wives, mothers, sisters and daughters, interspersed by way of variety with the low, vulgar and disgusting sights, coarse and unseemly epithets, cursing and fiendish imprecations that issue from the various scenes of bacchanalian revelry, intermingled with the wild, terrific cries and shrieks of half-grown, ill-fed, half-naked young wretches, now under tuition in the department preparatory to the State Prison. And yet public sentiment, under the genial inspirations of ale, wine, cider and the hundred and one other delectable domestic beverages, look with stolid indifference (if not with complacence) upon this whole scene of wretchedness, desolation and ruin, and coolly commend them to the wholesome restraints of moral and religious influences; while our jails, work-houses, reform schools, insane asylum and State Prison, are filling up with astonishing rapidity from these fruitful nurseries of vice, threatening at no distant day an utter depletion of any well-filled treasury. This is a consideration that must perceptibly shock the sensitive nerve that encircles the key-hole of every man's drawer.

While the undersigned sincerely desire ever to recognize, respect, and appreciate the full value of moral and religious influences in society, they deem it eminently proper that this body, acting for the common good of the whole people, shall take no action that shall tend so to pervert the public mind, as to impair the efficiency of such influences, and they will be slow to believe, that, with this fearful state of facts staring us boldly in the face, the concentrated wisdom of the State, can be dissuaded from the discharge of an imperative duty, by arguments based upon the probable depreciation in value of property in breweries, wine and cider presses, while property in slaves and distilleries is wholly ignored, or that they will endorse the theory that "the fruit-grower has any other or greater rights to express, use, and sell the juice of his crop, than the



grower of wheat, rye, corn, or any other class of grain. Nor do we believe they will, with open eyes, accept the new fledged philosophy, that a large class of our citizens will have stimulating, intoxicating beverages despite the law, or its counterpart, that the tendency of the introduction into general use of wines and beer, is to bring into disuse ardent spirits, nor any subterfuge transparent as the air, and empty as a surface bubble.

While the minority fully comprehend and frankly admit the correctness of that reasoning which finds that the extreme doctrines of moral reformers reduced to law, may for a time arouse bold and determined resistance, resulting in open rebellion. We cannot conceive how this admitted truth can be with reason urged against a proposition that has once received the direct endorsement of the people by an overwhelming majority at the ballot box. This measure, if extreme at all, has some years since ceased to be "the extreme doctrine" of the more isolated moral reformers, but has become the extreme doctrine of the people. Nor can we share in or sympathize with the apprehensions of the majority that insurmountable obstacles will be interposed to the enforcement of a prohibitory law, when we reflect that the introduction of every reform, whether of a social, moral, political, religious or scientific character, must encounter its appropriate share of hostile resistance until the people become accustomed to its wholesome restraints and influences.

The undersigned, reposing implicit confidence in the candor, virtue and intelligence of the people, herewith submit a bill in accordance with the prayers of the petitioners, entitled

A bill to amend an act entitled an act to prevent the manufacture and sale of spirituous or intoxicating liquors as a beverage, being section 1, of chapter 52, of the compiled laws.

All which is respectfully submitted.

M. M. ATWOOD,

W. T. HOWELL

Report accepted,

The bill was read a first and second time by its title, ordered



printed, referred to the committee of the whole, and placed on the general order.

MESSAGE FROM THE SENATE.

The Speaker announced the following :

SENATE CHAMBER,  
Lansing, February 9, 1861. }

*To the Speaker of the House of Representatives :*

SIR:—I am instructed by the Senate to transmit the following concurrent resolution :

*Whereas*, It is announced in a special dispatch from Springfield, Illinois, that the President elect will, on his journey to Washington, visit the capitols of Indiana, Ohio, New York and Pennsylvania, and receive the hospitalities of the Legislatures of those States then in session ; therefore

*Resolved*, (by the Senate, the House concurring,) That the President be and is hereby invited to visit the capitol of this State on his said journey, and receive the hospitalities of this Legislature and the people of Michigan.

*Resolved*, That the Governor be requested forthwith to transmit a copy of the foregoing preamble and resolution to the President elect.

Which has passed the Senate by a majority vote of all the Senators elect, and in which the concurrence of the House is respectfully asked.

Very respectfully,

A. B. TURNER,

*Secretary of the Senate.*

On motion of Mr. Tibbits,

The House concurred in the adoption of the resolution.

MOTIONS, RESOLUTIONS AND NOTICES.

Mr. Childs moved that the committee of the whole be discharged from the further consideration of House bill, entitled

A bill to apportion anew the representatives among the several counties and districts of this State ;

Which motion prevailed.

On motion of Mr. Childs,



The bill was made the special order for Wednesday afternoon at 2 o'clock.

Mr. Alexander offered the following :

*Resolved*, That the daily sessions of this House commence at 9 o'clock A. M., until otherwise ordered.

Mr. Tibbits offered the following as a substitute :

*Resolved*, That until otherwise ordered, there shall be but one session a day of this House, said session to commence at 9 o'clock, A. M.

Which was adopted.

On motion of Mr. Howell,

The resolution was laid on the table.

Mr. Warner moved that the committee of the whole be discharged from the further consideration of House bill, entitled

A bill to organize the township of Superior, in the county of Marquette;

Which motion prevailed.

On motion of Mr. Warner,

The bill was recommitted to the committee on towns and counties.

Mr. Joy moved to take from the table Senate bill, entitled

A bill to amend section 2033, of the compiled laws, relative to gifts and bequests to religious societies;

Which motion prevailed.

On motion of Mr. Joy,

The bill was referred to the committee of the whole, and placed on the general order.

Mr. Hill gave notice that on some future day he would ask leave to introduce

A bill to provide for a homoeopathic department in the University of Michigan.

Mr. Morrison, previous notice having been given, and leave being granted, introduced

A bill to provide for the construction and repair of bridges across navigable streams.



The bill was read a first and second time by its title, and referred to the committee on roads and bridges.

Mr. Warner, previous notice having been given, and leave being granted, introduced

A bill to amend an act entitled an act to provide for the draining and reclamation of swamp lands by means of State roads and ditches, approved February 12, 1859, by adding additional sections thereto.

The bill was read a first and second time by its title, and referred to the committee on public lands.

Mr. Persons, previous notice having been given, and leave being granted, introduced

A bill to change the name of the town of Fremont, in the county of Alpena.

The bill was read a first and second time by its title, and referred to the committee on towns and counties.

Mr. Howell, unanimous consent being given, introduced

A joint resolution for the sale of lands for taxes, in the year 1860, in the counties of Lake and Mason.

The joint resolution was read a first and second time by its title, and referred to the committee on ways and means.

Mr. Hemingway, unanimous consent being given, introduced

A bill to provide for laying out and establishing a State road from Midland City, in Midland county, via Mt. Pleasant, in Isabella county, to the Muskegon river, in Mecosta county, with an appropriation of swamp lands for the construction of the same.

The bill was read a first and second time by its title, and referred to the committee on public lands.

Mr. Hemingway, unanimous consent being given, introduced

A bill to provide for laying out and establishing a State road from Saginaw City, in Saginaw county, via Midland City, in Midland county, to Houghton Lake, with an appropriation of swamp lands for the construction of the same.

The bill was read a first and second time by its title, and referred to the committee on public lands.



Mr. Cooley moved that the reports of the majority and minority of the committee on the judiciary, on the liquor law, be printed together in document form ;

Which motion did not prevail.

Mr. Warner moved that the committee of the whole be discharged from the further consideration of House bill, entitled

A bill to organize the township of Carp River, in the county of Marquette ;

Which motion prevailed.

On motion of Mr. Warner,

The bill was recommitted to the committee on towns and counties.

### THIRD READING OF BILLS AND JOINT RESOLUTIONS.

House bill, entitled

A bill to amend section 5, of chapter 81, of the revised statutes of 1846, relative to the bonds of county treasurers in certain cases,

Was read a third time and passed, a majority of all the members elect voting therefor, by yeas and nays, as follows :

#### YEAS.

Mr. Adams,  
Alexander,  
Blakeslee,  
Brownell,  
Bunce,  
Childs,  
Choate,  
Cook,  
Cooley,  
Cox,  
Cutcheon,  
Douglas,  
Fowle,  
Gilbert,  
Goodrich,  
Gregory,  
N. K. Green,  
Hadley,

Mr. Haire,  
Henderson,  
Hill,  
Howell,  
Hurd,  
Jones,  
Joy,  
Lockwood,  
Miller,  
Morrison,  
Moore,  
Persons,  
Phelps,  
Piper,  
Pratt,  
Pringle,  
Ramsdell,  
Rankin,

Mr. Shank,  
Smith,  
A. Stevens,  
Stewart,  
Taylor,  
Tibbits,  
Toll,  
Wallin, |  
Waterbury,  
Wetherby,  
Wheeler,  
T. M. Wilson,  
Winans,  
Woodman,  
Woodward,  
Wright,  
Speaker,

58

#### NAYS.

Mr. Stoddard,

1



The title agreed to.

On motion of Mr. Stewart,

By a vote of two-thirds of all the members elect, the bill was ordered to take immediate effect.

House bill, entitled

A bill to amend an act entitled an act to incorporate the city of Battle Creek, approved February 3, 1859;

Was read a third time and passed, a majority of all the members elect voting therefor, by yeas and nays, as follows:

#### YEAS.

Mr. Alexander,	Mr. N. K. Green,	Mr. Rankin,	
Atwood,	Hadley,	Shank,	
Beamer,	Haire,	Smith,	
Blakeslee,	Henderson,	A. Stevens,	
Brownell,	Hemingway,	Stewart,	
Bunce,	Hurd,	Stoddard,	
Choate,	Jones,	Taylor,	
Cook,	Joy,	Waterbury,	
Cooley,	Kanouse,	Wetherby,	
Cutcheon,	Lockwood,	Wheeler,	
Ira Davis,	Moore,	T. M. Wilson,	
Douglas,	Persons,	J. B. Wilson,	
Fowle,	Phelps,	Winans,	
Gilbert,	Piper,	Woodman,	
Goodrich,	Pratt,	Woodward,	
Gregory,	Pringle,	Wright,	48

#### NAYS.

Mr. Adams,	Mr. Howell,	Mr. Tibbits,	
Childs,	Miller,	Toll,	
Cox,	Peters,	Wallin,	
Hill,	Ramsdell,	Speaker,	12

Title agreed to.

Mr. Henderson moved that the bill be ordered to take immediate effect.

Which motion did not prevail.

House bill, entitled

A bill to amend an act entitled an act to organize the county of Mecosta, and to locate the county seat thereof, approved February 11, 1859,

Being under consideration,



On motion of Mr. Pratt,

The bill was laid on the table.

Mr. Howell moved that the vote be reconsidered by which the House refused to order House bill, entitled

A bill to amend an act entitled an act to incorporate the city of Battle Creek, approved February 3, 1859,

To take immediate effect;

Which motion prevailed.

On motion of Mr. Joy,

The motion was laid on the table.

On motion of Mr. Shank,

The House took a recess until 2 o'clock this afternoon.

—  
AFTERNOON SESSION.

2 o'clock P. M.

House met, and was called to order by the Speaker.

Roll called: quorum present.

UNFINISHED BUSINESS,

Being the consideration of Senate bill, entitled

A bill to amend an act entitled an act disposing of certain grants of land made to the State of Michigan, for railroad purposes, by act of Congress, approved June 3, 1856, approved February 14, 1857,

To which was pending the following amendment, offered by Mr. Howell:

Add a new section, to stand as section 2, as follows:

"Sec. 2. Before any company mentioned in the act to which this is amendatory be entitled to the benefit of this act, such company shall execute, under their corporate seal, by their President, and attested by their Secretary, an instrument in writing accepting the provisions of this amendment, and file the same in the office of the Secretary of State; and in case any of said companies shall fail or neglect to fulfill said act, such company shall absolutely forfeit all claims to the lands granted to them respectively, except so far as the same may



have been, or said companies shall have a right to have applied for portions of said road actually constructed under the provisions of said act."

Also the following amendment to the amendment offered by Mr. Pratt. Strike out the following:

"And in case any such companies shall fail or neglect to fulfill said act, such company shall absolutely forfeit all claims to the lands granted to them exclusively, except, so far as the same may have been, or said companies shall have a right to have applied for portions of said road actually constructed under the provisions of said act."

The question being upon the amendment to the amendment,  
The same was withdrawn.

The question recurring upon the adoption of the original amendment, the same was not adopted, by yeas and nays, as follows:

## YEAS.

Mr. Cooley,  
Howell,

Mr. Ramsdell,  
Toll,

Mr. Wheeler,

5

## NAYS.

Mr. Adams,  
Alexander,  
Atwood,  
Baker,  
Beamer,  
Blakeslee,  
Bunce,  
Childs,  
Choate,  
Cook,  
Cutcheon,  
Ira Davis,  
Douglas,  
Foote,  
Gilbert,  
Goodrich,  
Gregory,  
Hadley,

Mr. Haire,  
Henderson,  
Hemingway,  
Hill,  
Hood,  
Hurd,  
Jones,  
Joy,  
Kanouse,  
Lockwood,  
Miller,  
Moore,  
Persons,  
Peters,  
Phelps,  
Piper,  
Pratt,  
Pringle,

Mr. Rankin,  
Shank,  
Smith,  
A. Stevens,  
Stewart,  
Stoddard,  
Taylor,  
Tibbits,  
Warner,  
Waterbury,  
Wetherby,  
T. M. Wilson,  
J. B. Wilson,  
Winans,  
Woodward,  
Wright,  
Speaker,

58

Mr. Howell then offered the following amendment to the bill, to be added to section one: "*Provided, That the Grand Rapids*



& Indiana Railroad be and is hereby excepted from the provisions of this act."

Which was not adopted.

Mr. Lockwood moved to amend the bill as follows: Insert after "1864," in the eighth line of section 1, the following: "Except that the roads in the Upper Peninsula shall be entitled to one year longer in each instance for such construction and completion."

Which amendment was adopted.

Mr. Howell then moved to amend the bill by adding the following proviso to section 1: "*Provided*, That if any of said railroad companies shall fail to construct their entire line of railroad as above prescribed, such company shall absolutely forfeit all claims to the lands mentioned in this act, except so far as they shall have received, or are entitled to receive the same, for portions of road actually finished."

Mr. Howell demanded the yeas and nays.

The demand was seconded, and the amendment was not adopted, by yeas and nays, as follows:

#### YEAS.

Mr Cooley,  
Cutcheon,  
Gilbert,  
Haire,  
Henderson,  
Howell,

Mr. Hurd,  
Miller,  
Morrison,  
Peters,  
Ramsdell,  
Tibbits,

Mr. Toll,  
Waterbury,  
Wetherby,  
Wheeler,  
Woodman,  
Speaker,

18

#### NAYS.

Mr. Adams,  
Alexander,  
Atwood,  
Baker,  
Beamer,  
Brownell,  
Bunce,  
Childs,  
Choate,  
Cook,  
Cox,  
Ira Davis,

Mr. Gregory,  
Hadley,  
Hemingway,  
Hill,  
Hood,  
Jones,  
Joy,  
Kanouse,  
Lockwood,  
Moore,  
Phelps,  
Piper,

Mr. Rankin,  
Shank,  
Smith,  
A. Stevens,  
Stewart,  
Stoddard,  
Taylor,  
Wallin,  
Warner,  
T. M. Wilson,  
J. B. Wilson,  
Winans,



Douglas,  
Fowle,  
Goodrich,

Pratt,  
Pringle,

Woodward,  
Wright,

48

Mr. Gilbert moved to amend the bill by striking out section two ;

Mr. Howell demanded the yeas and nays.

The demand was seconded, and the amendment was not adopted, by yeas and nays as follows :

## YEAS.

Mr. Cooley,  
Cox,  
Douglas,  
Gilbert,  
Howell,

Mr. Jones,  
Morrison,  
Peters,  
Ramsdell,  
Toll,

Mr. Wallin,  
Wheeler,  
Woodman,  
Speaker,

14

## NAYS.

Mr. Adams,  
Alexander,  
Atwood,  
Baker,  
Beamer,  
Blakeslee,  
Brownell,  
Bunce,  
Childs,  
Choate,  
Cook,  
Cutcheon,  
Ira Davis,  
Fowle,  
Goodrich,  
Gregory,  
N. K. Green,

Mr. Hadley,  
Haire,  
Henderson,  
Hemingway,  
Hill,  
Hood,  
Hurd,  
Joy,  
Kanouse,  
Lockwood,  
Moore,  
Persons,  
Phelps,  
Piper,  
Pratt,  
Pringle,

Mr. Rankin,  
Shank,  
Smith,  
A. Stevens,  
Stewart,  
Stoddard,  
Taylor,  
Tibbits,  
Warner,  
Waterbury,  
Wetherby,  
T. M. Wilson,  
J. B. Wilson,  
Winans,  
Woodward,  
Wright,

49

Pending the announcement of the vote,

Mr. Jones moved that Mr. Wallin be excused from voting ;

Which motion did not prevail.

Mr. Wallin then voted as recorded above.

Mr. Howell moved that the bill be recommitted to the committee on banks and incorporations, with instructions to bring in a separate bill for each of said railroad companies ;

Which motion did not prevail.



Mr. Childs moved that the rules be suspended, and that the bill be put upon its final passage;

Which motion prevailed.

The bill, being Senate bill, entitled

A bill to amend an act entitled an act disposing of certain grants of land made to the State of Michigan, for railroad purposes, by act of Congress, approved June 3d, 1856, approved February 14, 1857,

Was then read a third time and passed, a majority of all the members elect voting therefor, by yeas and nays, as follows :

#### YEAS.

Mr. Adams,	Mr. Hadley,	Mr. Rankin,
Alexander,	Haire,	Shank,
Atwood,	Henderson,	Smith,
Baker,	Hemingway,	A. Stevens,
Beamer,	Hill,	Stewart,
Blakeslee,	Hood,	Stoddard,
Brownell,	Hurd,	Taylor,
Bunce,	Jones,	Tibbits,
Childs,	Joy,	Wallin,
Choate,	Kanouse,	Warner,
Cook,	Lockwood,	Waterbury,
Cutcheon,	Miller,	Wetherby,
Ira Davis,	Moore,	T. M. Wilson,
Douglas,	Persons,	J. B. Wilson,
Fowle,	Peters,	Winans,
Gilbert,	Phelps,	Woodman,
Goodrich,	Piper,	Woodward,
Gregory,	Pratt,	Wright,
N. K. Green,		

55

#### NAYS.

Mr. Cooley,	Mr. Morrison,	Mr. Wheeler,
Cox,	Ramsdell,	Speaker,
Howell,	Toll,	

8

The question being upon agreeing to the title,

Mr. Howell offered the following as a substitute therefor:

A bill to transfer the sovereignty of this State to paper railroads;

Which substitute was not adopted.

The title was then agreed to.



, Mr. Hill moved that the bill be ordered to take immediate effect;

Which was withdrawn.

Mr. Beamer moved that the vote by which the bill was passed be reconsidered;

Mr. Shank moved to lay the motion to reconsider on the table;

Which motion prevailed.

By unanimous consent, Mr. Ramsdell presented the following : petition of Otis White and 74 others, praying for the organization of Lelanaw county;

Also, petition of James Martin, and 18 others, for the same purpose;

Which were referred to the committee on towns and counties.

#### GENERAL ORDER.

On motion of Mr. Tibbits,

The House went into committee of the whole on the general order,

Mr. Cutcheon in the chair.

After some time spent therein, the committee rose, and, through the chairman, made the following report :

The committee of the whole have had under consideration the following entitled bills :

A bill to provide for the marking and branding of horses, cattle, sheep and swine;

Also,

A bill to authorize any township in the county of Allegan to make loans and levy taxes for the improvement of the Kalamazoo river and harbor;

Have made sundry amendments thereto, and have directed their chairman to report the same back to the House, asking concurrence therein, and recommend their passage.

S. M. CUTCHEON, *Chairman.*

The House concurred in the amendments made to the first named bill.



The House concurred in the amendments made to the second named bill, in gross.

The first named bill was placed on the order of third reading.

Mr. Gilbert moved that the second named bill be ordered printed;

Which motion did not prevail.

The bill was then ordered engrossed for a third reading.

On motion of Mr. Childs,

The House adjourned till to-morrow morning at 10 o'clock.

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*Lansing, Tuesday, February 12, 1861.*

House met pursuant to adjournment, and was called to order by the Speaker.

Prayer by the Rev. Mr. Potter.

Roll called: quorum present.

Absent at roll call, without leave, Mr. A. L. Green.

• PETITIONS PRESENTED.

By Mr. Bunce: petition of F. M. Reasuer, Jared Kibbee, James McMillan, and 7 others, citizens of St. Clair county, praying for a law to provide for the registration of births, deaths and marriages;

Also, petition of N. P. White, J. J. Scarritt, Calvin Ames and 48 others, for the same purpose;

Referred to the committee on judiciary.

By Mr. Gregory: petition of S. W. Murdock, Oliver Chapman, B. Alley, and 47 others, inhabitants of Washtenaw county, praying for an amendment of the Constitution so as to grant the right of the elective franchise to certain tax payers;

Referred to the committee on judiciary.

By Mr. Atwood: remonstrance of Wm B. Dean and 16 others, citizens of Ingham county, against any change in the boundaries (or division) of Ingham county;

Also, remonstrance of D. Fitch and 86 others, citizens of Ingham county, to the same purpose;



Referred to the committee on towns and counties.

By Mr. Hood: petition of Michael Keegan and 11 others, citizens of Monroe county, for an amendment of the law so as to authorize townships to elect two assessors, and also to reduce the rate of advertising in newspapers ;

Referred to the committee on printing.

By the Speaker: communication of the Senate of the University of Michigan ;

Which was read by the Clerk, referred to the committee on judiciary, and ordered printed in the journal.

The following is the communication :

At a meeting of the University. Senate, (composed of the Professors in the several departments,) held at their room at Ann Arbor on Saturday, February 9, 1861, present,

The President,	Prof. Palmer,
Prof. Bois,	" Sager,
" Brooks,	" Walker,
" Brunnow,	" White,
" Campbell,	" Williams,
" Cooley,	" Winchell,
" Douglass,	" Wood,
" Fasquelle,	" Dubois.
" Frieze,	

The bill now pending before the Legislature to provide for the re-organization of the University being presented and read, Prof. Campbell offered the following resolution :

*Resolved*, That in the opinion of the Senate, it is inexpedient to have any legislation with respect to the University at the present time.

Upon which resolution the President proceeded to give his views, after which, and after discussion by Professors Winchell, Campbell, White, Palmer, Douglass, Walker, Wood and Williams, the President withdrew, and Professor Campbell was appointed President *pro tem*.

The resolution was then adopted unanimously.



The President *pro tem*, and Secretary, were requested to transmit to the Legislature this action of the Senate.

JAMES V. CAMPBELL,

T. M. COOLEY, *Secretary*.

*Pres't pro tem.*

REPORTS OF STANDING COMMITTEES.

By the committee on towns and counties:

The committee on towns and counties, to whom was referred

A bill to change the boundaries of Houghton county, and establish the county site thereof,

Have had the same under consideration, and instructed their chairman to report the same back without amendment, and recommend that it do pass, and ask to be discharged from the further consideration of the same.

J. B. WILSON, *Chairman*.

Report accepted and committee discharged.

The bill was ordered printed, referred to the committee of the whole, and placed on the general order.

By the committee on mines and minerals :

The joint committee on mines and minerals, to whom was referred so much of the messages of the two Governors as related to the mineral interests of this State, direct their chairman to submit the following report :

Your committee have carefully considered the matter referred to them, but the magnitude of the mineral resources of our State, and its diversified character, render it impossible, within the time allotted to your committee to investigate the subject, and bring it within the appropriate limits of a legislative report, to faithfully and truthfully describe it.

In the outset of our examination we found ourselves much ~~em~~ barrased for the want of accurate information as to the extent mining is carried on within the State. It is well known to all the citizens of this State that there are not only extensive copper mines, but numerous mountains of iron ore, in that portion of the State bordering on Lake Superior, and coal, salt and gypsum in great abundance in the Lower Peninsula. Beyond this,



little is known to the public. There is no public record in the archives of the State of how many companies are actually engaged in mining, the capital invested, the number of men employed, and their wages, or the value of the mineral raised and sent to market. There is in fact no law to be found on our statute book requiring such detailed reports from the various companies of their operations, as would enable your committee to determine whether this interest demands additional legislation to protect and advance it.

There is in fact no satisfactory report, even from the State Geologist, whose duty it would seem to have been, to furnish extended information upon the mineral resources of the State, and your committee have therefore been compelled to rely upon other than official sources, for the facts set forth in this report. Had the State required, as we think it should have done, an annual report of every company engaged in mining, setting forth its capital paid in, the number of men employed, the amount of mineral raised, with a full description of the township, range and section upon which their mine is situated, with a diagram of all their work, the character and extent of the veins opened, and the mineral produced, we should now have had an invaluable record, from which the man of science might deduce certain laws, which would have doubtless led to far more extensive and important discoveries than any yet made, and a far better knowledge of the mineralogy and geology of our State, than we are likely to attain from any plan yet adopted. But all this has been neglected by the State, and the consequence is, that there is no place where this information, so desirable, can be found. While the State has so neglected this important interest, it is no wonder that it is difficult to make men of capital believe, that in some respects, Michigan is one of the most remarkable mineral countries in the world, and furnishes more inducements for the investment of money than any other.



## COPPER.

The first and most important mineral interest in the State are the copper mines near the south shore of Lake Superior. Along the entire range of mountains, commencing at the extreme end of Keweenaw Point, and running westward nearly parallel to the coast of the lake for nearly one hundred and fifty miles, to Montreal River, is a belt of rock known in geology as trap, from one to five miles wide. From the numerous points on this belt of rock, where copper veins have been observed, it may be safely stated that copper is co-extensive with this formation. We by no means wish to be understood that at all points, mines will be found which will prove remunerative, but there is little doubt but the points where there are extensive mines, which will be profitably worked, are much more remunerative than is generally supposed. Throughout this entire range the copper is found in masses in a natural state, varying from a grain to hundreds of tons in weight. The largest mass yet found in any mine, weighed a little over four hundred and fifty tons.

It is a singular and remarkable fact, and one worthy of much more minute investigation and examination than your committee can give it, that throughout the entire extent of this mineral range, indisputable evidence exists of the extensive working of these mines by a race of people now entirely extinct. There exists not even a tradition of who or what they were, although from the deep excavations in the trap rock, and the numerous stone hammers and copper tools found at various points, the work must have been carried on for ages, and yet abandoned hundreds of years since ; for large forest trees in many places are now growing on the very spot or place where the most extensive of these were, by this lost race, were carried on. What is most remarkable, no trace of any city or town, not a burial place, or even a skeleton, has yet been found. That they possessed an intimate knowledge of this mineral formation, and traced with remarkable accuracy the veins, is apparent from the extent of their mining operations. Not a







1808.	They produced, in tons of ingot copper,.....	6,498
1817.	" " " " .....	7,272
1822.	" " " " .....	7,757
1857.	" " " " .....	13,644
1858.	" " " " .....	13,255
1859.	" " " " .....	13,245

PRODUCT OF LAKE SUPERIOR COPPER MINES.

1845.	They produced, (lbs.,).....	1,300
1846.	" " (tons,) .....	29
1847.	" " " .....	239
1848.	" " " .....	516
1849.	" " " .....	753
1850.	" " " .....	640
1851.	" " " .....	872
1852.	" " " .....	1,453
1854.	" " " .....	2,300
1855.	" " " .....	3,196
1856.	" " " .....	5,726
1857.	" " " .....	5,759
1858.	" " " .....	5,896
1859.	" " " .....	7,245
1860.	" " " .....	9,200

Besides this, at several mines a very large quantity of mineral bearing rock has been thrown out, which will yield a fair per cent. of copper, when the companies are prepared with the proper machinery to stamp and wash the same. It probably amounts to many hundreds of tons of pure copper. The quality of the copper produced from the mines, is superior to that found in any other part of the world. It being in a native state, and not in ores, it is entirely free from arsenic, sulphur, or any other deleterious substance. In some of the mines, considerable silver is found, and it is believed by many that when the country is thoroughly explored and known, that extensive mines of this mineral will be discovered. But enough is now known of this mining district to render it certain that during the next ten years, it will produce more copper than Cornwall, and take



the rank as the first and most productive copper mine in the world.

IRON.

The iron of Lake Superior, like the copper, is of the very best quality. It is found in a range of mountains, lying back from the lake from twenty to thirty miles, although at some points, as at the head of Keweenaw Bay, it approaches much nearer. It requires no excavation, as there are numerous hills, composed almost entirely of this ore, rising many hundred feet above the general surface of the country. At one point, where a river breaks through the range, the strata of iron ore can be seen, of more than eight hundred feet in thickness. It can be quarried—for it is not mining—and placed upon the railway carriages, ready for transportation, for less than one dollar per ton. The average value of the ore is from sixty to seventy per cent. It is safe to say that this portion of Michigan can produce all the iron ore that is necessary to supply the world with iron for ages, without sensibly diminishing the quantity, or enhancing the value thereof. Rapid and extraordinary as has been the progress in the production of copper, it is still more so in iron. The first shipment was made in 1855, tons,...

In 1856 there was shipped,	1,457
1857, " "	11,597
1858, " "	26,184
1859, " "	30,327
1860, " "	80,000
1860, " "	150,263

PIG IRON.

In 1858, there was produced in tons,	2,000
1859, " " "	6,000
1860, " " "	6,500

The average value of the ore on the docks ready for shipment, during the past season, has been about \$3 per gross ton, and of pig iron, from \$20 to \$25 per ton. The demand for this ore is constantly increasing, as the knowledge of its superior quality and cheapness is extended. The estimated value of the copper and iron exported from Lake Superior



during the past year has exceeded \$4,000,000, and there is every reason to believe that in a few years they will far exceed the entire exports of agricultural products of the entire State.

WHAT LEGISLATION IS NECESSARY.

What legislation is necessary or desirable to advance these important interests, is worthy of the most serious consideration of the Legislature. No interest of the State bids so fair to rapidly increase as that of mining, if properly encouraged and protected. To do this effectually, requires an intimate knowledge of the country, its wants and necessities. We would recommend that some provision of law be made requiring all the companies to make such annual reports to some department, to be compiled and published, as will keep the world informed of the progress made in developing our mining interests. The whole subject of taxation should be revised and placed upon a correct basis. All specific taxes should be abolished unless for the support of a high school, to be established at some point on or near the mineral range, where geology, mineralogy, chemistry, and mechanical engineering in all its branches, as applicable to mining, should be taught.

The rapid progress made in the opening of the mines renders it certain that it is quite unnecessary to retain the present rates on the St. Mary's canal to meet all the charges against it. There is now in the treasury nearly \$40,000 to the credit of the canal fund, and it is estimated that the revenues of the present year will be \$30,000 more. In two years, at this rate, the entire loan contracted for the canal could be paid, and the tolls reduced to a nominal sum, as contemplated by Congress when the grant of lands was made to furnish the means to construct it. This is throwing not only an unnecessary but an unreasonable burthen upon the business of Lake Superior in its infancy, to the end that it may be entirely free when it gains more strength. The policy your committee would recommend would be to reduce the tolls now to a point barely sufficient to pay the necessary expenses of its economical supervision and management, and the payment of the interest on the State debt contracted to



repair it, leaving the future to provide for the payment of the principal. Long before the State bonds issued for that purpose will fall due, the revenues in any one year, at the present rate of tolls, will pay the debt. The burthens thrown upon capital invested in mining on Lake Superior far exceeds that invested in any business in other portions of the State. This is not only unjust, but impolitic. It tends not only to retard all improvements, but to alienate the feelings of the people towards the State.

#### ROADS.

During the season of navigation, the communication between other portions of the State and Lake Superior is comparatively easy; but when the lakes are closed with ice, it is extremely difficult. No sufficient provisions has ever been made by the State for opening roads. When the project of roads was devised as auxiliary to the draining of the swamp lands, it was hailed with delight by that portion of the people of this State residing near Lake Superior; but this system, which was wisely planned, and would have produced an incalculable amount of good, if faithfully carried out, was practically abandoned, so far as that portion of our State is concerned of which we are now speaking. With ample means derived from the sale of swamp lands in the Upper Peninsula, not a single mile of road has been constructed there. Why this neglect of the wants of the entire mining interests, while large sums have been expended in other portions of the State, is beyond the comprehension of your committee. A small sum of money, or a mere fraction of the swamp lands in this region, would, if placed in the hands of competent men acquainted with the country, have furnished such roads as the wants of the people and business of that portion of our State demands. Your committee would not only recommend, but respectfully urge, that provisions should be made immediately, for the opening of roads in that portion of our State.

In regard to the mining interests of the other portions of our State, embracing as it does the coal, salt and gypsum, your



committee are not yet prepared to report upon its extent, the amount of capital invested, or what legislation, if any, is required to protect and advance it.

All of which is respectfully submitted,

I. DAVIS, *Ch'n House Com.*

Report accepted.

By the judiciary committee:

The committee on the judiciary to whom was referred

A bill making the action of trespass transitory in certain cases,

Respectfully report that they have had the same under consideration, and propose certain amendments thereto, herewith submitted, and recommend its passage as so amended, and ask to be discharged from the further consideration of the subject.

THOS. W. LOCKWOOD, *Chairman.*

Report accepted and committee discharged.

On motion of Mr. Sessions,

The House concurred in the amendments made by the committee.

The bill was ordered printed, referred to the committee of the whole, and placed on the general order.

By the committee on ways and means :

The committee of ways and means, to whom was referred

A bill authorizing the Auditor General to issue second tax deeds in certain cases,

Have had the same under consideration, and have instructed me to report the same back, recommend its passage, and ask to be discharged from the further consideration of the same.

JAMES F. JOY, *Chairman.*

Report accepted and committee discharged.

The bill was ordered printed, referred to the committee of the whole, and placed on the general order.

By the committee on ways and means :

The committee on ways and means, to whom was referred



**A bill making an appropriation to pay certain expenses of the Michigan State Reform School,**

Have had the same under consideration, and have instructed me to report the same back and say that inasmuch as the small appropriation asked for is to pay a debt created in the past, and not for any expenses hereafter to accrue, they recommend that the bill pass, even in the present financial condition of the State, and ask to be discharged from the further consideration of the subject.

**JAMES F. JOY, *Chairman.***

Report accepted and committee discharged.

The bill was ordered printed, referred to the committee of the whole and placed on the general order.

By the committee on banks and incorporations :

The committee on banks and incorporations, to whom was referred

A bill to amend certain sections of an act to incorporate the city of East Saginaw, approved February 15, 1859,

Respectfully report that they have had the same under consideration, and return the bill to the House without amendment, with a recommendation that it do pass, and ask to be discharged from the further consideration of the same.

**EUGENE PRINGLE, *Chairman.***

Report accepted and committee discharged.

On motion of Mr. Pringle,

The bill was placed on the order of third reading.

By the committee on banks and incorporations:

The committee on banks and incorporations, to whom was referred the petitions of Foster Tucker and 50 others, and of Antoine Campau and 50 others, to change the corporate limits of the city of Grand Rapids, respectfully report that they have had the change proposed under consideration, have ascertained that the common council of said city are unanimously opposed to the change proposed, and have had no proof before them of the publication of any notice of this application, or that the



same is the wish of a majority of the persons interested, and therefore recommend that the prayer of the petitioners be not granted.

E. PRINGLE, *Chairman.*

Report accepted and committee discharged.

By the committee on towns and counties :

The committee on towns and counties, to whom was referred

A bill to change the name of the township of Fremont, in Alpena county,

Have had the same under consideration, and direct me to report in favor of the bill, recommend its passage, and ask to be discharged from the further consideration of the same.

J. B. WILSON, *Chairman.*

Report accepted and committee discharged.

On motion of Mr. Ramsdell,

The bill was placed on the order of third reading.

By the committee on towns and counties :

The committee on towns and counties, to whom was referred

A bill to organize the county of Keweenaw,

Have had the same under consideration, and after obtaining all possible information are fully convinced of the necessity of such organization, therefore they have instructed me as their chairman to report the same back to the House without amendment and recommend that it do pass, and ask to be discharged from the further consideration of the same.

J. B. WILSON, *Chairman.*

Report accepted and committee discharged.

The bill was referred to the committee of the whole, and placed on the general order.

By the committee on roads and bridges :

The committee on roads and bridges, to whom was referred

A bill to amend chapter 23, of the compiled laws, relative to obstructions and encroachments of highways,

Have had the said bill under consideration, and to which they have made amendments, in which they ask the concur-



rence of the House, and when so amended recommend the same do pass, and ask to be discharged from the further consideration of the same.

All of which is respectfully submitted.

N. K. GREEN, *Chairman*.

Report accepted and committee discharged.

On motion of Mr. Alexander,

The House concurred in the amendments made by the committee.

On motion of Mr. Green,

The bill was placed on the order of third reading.

By the committee on engrossment and enrollment:

The committee on engrossment and enrollment, report as correctly enrolled, signed and presented to the Governor, the following entitled bills and joint resolution:

A bill to amend section 86, of an act entitled an act to amend chapter 93, of the revised statutes of 1846, entitled of courts held by justices of the peace, the same being section 3738 of the compiled laws.

A bill to continue the authority of Circuit Court Commissioners after the expiration of their term of office, in certain cases.

A bill to amend an act entitled an act to incorporate the village of Bay City, approved February 9th, 1859.

Joint resolution for the transfer of certain scientific works from the State Library, to the library of the University.

They also report as correctly engrossed,

A bill in reference to the improvement of a river and harbor in the county of Allegan;

Also, as correctly enrolled,

A bill to repeal an act to authorize Bay county to raise money by the issue of bonds, to aid in the construction of a road, approved February 14, 1859;

L. P. ALEXANDER, *Acting Chairman*.



## MESSAGE FROM THE GOVERNOR.

The Speaker announced the following :

EXECUTIVE OFFICE,  
Lansing, February 11, 1861. }

*To the House of Representatives:*

I have approved and filed in the office of the Secretary of State the following:

An act entitled an act to authorize the trustees of the First Methodist Episcopal Church of Lansing to convey to the trustees of the Central Methodist Church of Lansing, lot numbered 6, in block numbered 96, in the city of Lansing ;

Also,

An act entitled an act to extend the time for the collection of taxes in the county of Wayne ;

Also,

An act entitled an act to change the name of the Algerville and Grand Blanc plank road company, to the name of Grand Blanc and Holly plank road company ;

Also,

An act entitled an act relative to the duties of township and county officers concerning moneys paid into the county treasury ;

Also,

Joint resolution relative to the McCormick patent.

AUSTIN BLAIR.

Laid on the table.

## MESSAGES FROM THE SENATE.

The Speaker announced the following :

SENATE CHAMBER,  
Lansing, February 11, 1861. }

*To the Speaker of the House of Representatives:*

SIR:—I am instructed by the Senate to transmit the following entitled bill:

A bill to amend the charter of the village of Hillsdale;

Which has passed the Senate by a majority vote of all the Senators elect, and by a vote of two-thirds of all the Senators



elect, been ordered to take immediate effect, and in which the concurrence of the House is respectfully asked.

Very respectfully,

A. B. TURNER,

*Secretary of the Senate.*

The bill was read a first and second time by its title, and referred to the committee on banks and incorporations.

Also the following :

SENATE CHAMBER,  
*Lansing, February 11, 1861.* }

*To the Speaker of the House of Representatives :*

SIR :—I am instructed to return to the House the following entitled bill :

A bill to repeal an act to authorize Bay county to raise money by the issue of bonds to aid in the construction of a road, approved February 14, 1859,

In the passage of which the Senate has concurred by a majority vote of all the Senators elect, and has ordered the same to take immediate effect by a vote of two-thirds of all the Senators elect.

Very respectfully,

A. B. TURNER,

*Secretary of the Senate.*

The bill was referred to the committee on engrossment and enrollment for enrollment.

Also the following :

SENATE CHAMBER,  
*Lansing, February 11, 1861.* }

*To the Speaker of the House of Representatives :*

SIR :—I am instructed by the Senate to transmit the following entitled bill:

A bill to change the name of John Gregg to Charles Welcome Hill;

Which has passed the Senate by a majority vote of all the



Senators elect, and in which the concurrence of the House is respectfully asked.

Very respectfully,

A. B. TURNER,

*Secretary of the Senate.*

The bill was read a first and second time by its title, and referred to the committee on judiciary.

MOTIONS, RESOLUTIONS AND NOTICES.

Mr. Taylor offered the following :

*Whereas*, The editor of the *Detroit Tribune* has undertaken to bring the House of Representatives of the State of Michigan into disrepute, by a scandalous paragraph published in said journal, in the following language, to wit: "There seems to be little hope of appointing Commissioners to Washington; fear and mulishness predominate where there should be patriotic, prompt action. Let the responsibility rest where it belongs, and hold them to it for weal or woe;" therefore

*Resolved*, That the committee on agriculture be instructed to report a bill for the branding of asses and mules for the especial benefit of H. Barns & Co., of the *Detroit Tribune*.

On motion of Mr. Childs,

The resolution was laid on the table.

Mr. Sessions moved to take from the table House bill, entitled

A bill to amend an act entitled an act to organize the county of Mecosta, and to locate the county seat thereof, approved February 11, 1859,

Which motion prevailed.

On motion of Mr. Sessions,

The rules were suspended, and the bill put upon its final passage.

The bill was then read a third time and passed, a majority of all the members elect voting therefor, by yeas and nays, as follows:

YEAS.

Mr. Adams,  
Alexander,

Mr. Goodrich,  
Gregory,

Mr. Pringle,  
Ramsdell,



Atwood,  
Baker,  
Beamer,  
Blakeslee,  
Brownell,  
Bunce,  
Childs,  
Choate,  
Chapoton,  
Cook,  
Cooley,  
Cox,  
Crego,  
Cutcheon,  
Ira Davis,  
Douglas,  
Fallass,  
Follett,  
Gilbert,

N. K. Green,  
Hadley,  
Haire,  
Henderson,  
Hemingway,  
Hill,  
Hood,  
Howell,  
Hurd,  
Joy,  
Kanouse,  
Leetch,  
Lockwood,  
Miller,  
Morrison,  
Moore,  
Peters,  
Phelps,  
Piper,

Read,  
Sessions,  
Shank,  
Smith,  
W. N. Stevens,  
A. Stevens,  
Stewart,  
Taylor,  
Tibbits,  
Wade,  
Wallin,  
Waterbury,  
Wetherby,  
J. B. Wilson,  
Winans,  
Woodward,  
Wright,  
Speaker,

62

NAYS.

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Title agreed to.

On motion of Mr. Follett,

By a vote of two thirds of all the members elect, the bill was ordered to take immediate effect.

Mr. Fowle moved to reconsider the vote by which the bill, entitled

A bill to amend an act entitled an act to incorporate the city of Battle Creek, approved February 3, 1859,

Was passed ;

Which motion did not prevail.

Mr. Henderson moved to take from the table the motion to order the bill to take immediate effect;

Which motion prevailed.

The question recurring upon ordering the bill to take immediate effect, by a vote of two-thirds of all the members elect, the bill was so ordered.

Mr. Sessions moved that the committee of the whole be discharged from the further consideration of House bill, entitled

A bill to authorize the Flint & Pere Marquette railroad company to extend its road from Flint to the Detroit & Milwaukee railroad;



Which motion prevailed.

Mr. Sessions moved that the bill be placed on the order of third reading;

On motion of Mr. Rankin,

The bill was laid on the table.

Mr. Hurd gave notice that on some future day he would ask leave to introduce

A bill to amend section 36, chapter 17, of the compiled laws, to extend the time for completing tax rolls in the several townships, cities, and wards in this State.

Mr. Joy gave notice that on some future day he would ask leave to introduce

A bill authorizing Eber B. Ward to receive toll upon a canal constructed by him in St. Clair county;

Also,

A bill to compensate the Detroit Bar Library Association for the use of its library by the judges of the supreme court.

Mr. Waterbury, unanimous consent being given, introduced

A bill to provide for the preservation of bridges in certain cases.

The bill was read a first and second time by its title, and referred to the committee on roads and bridges.

Mr. Lockwood, unanimous consent being given, introduced

A bill to amend an act entitled an act for the benefit of fractional school district No. one of Vassar, and No. two of Tuscola, approved February 3, 1859.

The bill was read a first and second time by its title, and referred to the committee on education.

Mr. Douglas, previous notice having been given, and leave being granted, introduced

A bill to confirm the tax roll of the township of Copper Harbor, Eagle Harbor, Houghton, Portage and L'Ance, in the county of Houghton, for the years 1858, 1859 and 1860.

The bill was read a first and second time by its title, and referred to the committee on the judiciary.



Mr. Pratt gave notice that on some future day he would ask leave to introduce

A bill to lay out a State road from Greenbush, in Clinton county, to St. Charles, in Saginaw county, and making an appropriation of State land for the same.

Mr. Lockwood gave notice that on some future day he would ask leave to introduce a

Joint resolution to amend article 9, of the Constitution of the State ;

Also,

A bill to amend section 4461, of compiled laws, in relation to levy and sale of chattels pledged by way of mortgage.

Mr. Henderson offered the following :

*Resolved*, That the committee on judiciary be requested to take into consideration the propriety of amending the statutes by striking out all authority of the circuits to admit attorneys to practice, and report by bill or otherwise ;

Which was adopted.

Mr. Jones offered the following:

*Resolved*, That the Auditor General of this State be required to furnish to this House a statement of the expenditures or appropriations that have been made from the internal improvement fund of this State, the amount of each expenditure, the purpose for which it was appropriated, and the present condition of said fund;

Which was adopted.

On motion of Mr. Beamer,

The House took a recess until 2 o'clock this afternoon.

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AFTERNOON SESSION.

2 o'clock P. M.

House met and was called to order by the Speaker.

Roll called : quorum present.



## MESSAGE FROM THE SENATE.

By unanimous consent the Speaker announced the following:

SENATE CHAMBER,  
Lansing, February 12, 1861. }

*To the Speaker of the House of Representatives:*

**SIR:**—I am instructed by the Senate to transmit the following entitled bills:

1. A bill to amend an act entitled an act amendatory to the several acts in relation to the Wesleyan Seminary at Albion, and the Albion Female Collegiate Institute;

2. A bill to amend an act entitled an act to authorize proceedings against garnishees and for other purposes, approved March 28, 1849, chapter 141 of the compiled laws;

3. A bill to establish the Detroit house of correction, and authorize the confinement of convicted persons therein;

Which have passed the Senate by a majority vote of all the Senators elect, and by a vote of two-thirds of all the Senators elect, been ordered to take immediate effect, and in all of which the concurrence of the House is respectfully asked.

Very respectfully,

A. B. TURNER,

*Secretary of the Senate.*

The first named bill was read a first and second time by its title, and referred to the committee on education.

The second named bill was read a first and second time by its title, and referred to the committee on judiciary.

The third named bill was read a first and second time by its title, and referred to the committee on State Prison.

## SPECIAL ORDER.

On motion of Mr. Waterbury,

The House went into committee of the whole on the special order,

Mr. Cooley in the chair.

After some time spent therein, the committee rose, and through their chairman made the following report:



The committee of the whole have had under consideration the following entitled bill:

A bill to amend an act entitled an act to provide for the draining and reclamation of swamp lands, by means of State roads and ditches, being act No. 117, of session laws of 1859;

Which the committee report back to the House with a recommendation that the bill be re-committed to the committee on public lands, with instructions, and ask to be discharged from the further consideration thereof.

SLOAN COOLEY, *Chairman.*

Report accepted and committee discharged.

Mr. Howell moved that the bill be recommitted to the committee on public lands, with instructions so to amend the same as to provide for the liquidation and completion of contracts now existing under the present law.

Mr. Joy moved to amend the instructions by adding thereto the following :

*Resolved*, That the committee be further instructed to inquire into the expediency of substituting a system of drainage for a system of road-building, to be provided for from the swamp land fund, and the appointment of a commissioner to superintend the same ;

Which amendment was adopted.

The question recurring upon the motion to recommit the bill with instructions,

Pending which,

On motion of Mr. Alexander,

The House adjourned till to-morrow morning at 10 o'clock

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*Lansing, Wednesday, February 13, 1861.*

House met pursuant to adjournment, and was called to order by the Speaker.

Prayer by Rev. Mr. Vibbert.

Roll called : quorum present.

Absent at roll call without leave, Mr. Cook.



Mr. Henderson asked and obtained leave of absence for Mr. Cook for an indefinite time, on account of sickness.

PETITIONS PRESENTED.

By Mr. Howell: petition of the trustees of the Methodist Episcopal Church of Muskegon, for the passage of a law authorizing them to mortgage their church property for the payment of debts;

Also, petition of the trustees of the Methodist Episcopal Church of Muskegon, to have certain mortgages legalized;

Referred to the committee on banks and incorporations.

By Mr. Tibbits: petition of Charles Noble, B. C. Bunnell, George Ryder, W. E. Warner, J. N. Hitchcock, A. Blue, David Sackett, Thos. M. Sweeny, E. C. Walker, and 370 others, tax payers of the county of Wayne, praying that the number of supervisors in the city of Detroit may be reduced to one from each ward;

Referred to the committee on banks and incorporations.

By Mr. Goodrich: memorial of W. H. Chapman, submitting a plan for a State prison extension;

Referred to the committee on State prison.

By Mr. Stewart: memorial of P. Marantette and 270 others, citizens of St Joseph county, asking an extension of time to the Grand Rapids and Indiana railroad company, and expressing confidence in the practicability of the enterprise, and confidence in the integrity of the officers of said company;

On motion of Mr. Stewart,

The petition was laid on the table.

By Mr. Wade: petition of G. W. Smith and 59 others, citizens of Jackson county, praying the legislature to repeal the existing law prohibiting the manufacturing and sale of spirituous liquors, and provide for the submission to the suffrages of the people an amendment to the constitution, authorizing the passage of a license law, and requiring good bonds for the judicious sale of pure liquors;

Referred to the committee on judiciary.

By Mr. W. N. Stevens: petition of Silas Pratt, Chas. M.



Jones, N. Chapman, and 61 others, residents of the village of Ann Arbor, and certain proposed additions to the city of Ann Arbor, asking to be annexed to said city;

Referred to the committee on banks and incorporations.

By Mr. Crego: petition of the Jackson county Agricultural Society, praying for an act which shall confer a power upon said society to mortgage real estate to secure the payment of past indebtedness;

Referred to the committee on banks and incorporations.

By Mr. Stoddard: petition of Lucius Marvin, Lemuel S. Stone and 36 others, citizens of Tuscola and Huron counties, asking for an appropriation of swamp lands to be applied in opening and cleaning out the channel of the Wiscogin river, in township 15 north, range 8 east;

Referred to the committee on public lands.

By Mr. Henderson: petition of Asa Phelps and 12 others, citizens of Calhoun county, asking for the passage of a law regulating the interest on money loaned;

Referred to the committee on judiciary.

By Mr. Joy: memorial of the Detroit law library association, praying for compensation for the use of their library by the judges of the supreme court;

Referred to the committee on judiciary.

By Mr. Gilbert: petition of Amos Roberts and 50 others, for the repeal of the personal liberty laws;

On motion of Mr. Gilbert,

The petition was laid on the table.

By Mr. Green: petition of John Larkin and 18 others, asking an alteration of the primary school law;

Referred to the committee on education.

By Mr. W. N. Stevens: petition of C. L. Ford, A. Sayer, L. Fasquelle, S. H. Douglass, and 11 others, members of the faculties of the University of Michigan, asking for the passage of a law for the registration of births, deaths and marriages;

On motion of Mr. W. N. Stevens,

The petition was laid on the table.



By Mr. Shank : remonstrance of Isaac Carl and 200 others, against the laying out and opening of a road in the township of Meridian, known as the big marsh road; •

Referred to the committee on roads and bridges.

REPORTS OF STANDING COMMITTEES.

By the committee on education :

The committee on education, to whom was referred Senate bill, No. 22, being

A bill to amend the act in relation to the Albion Female College,

Have had the same under consideration, and report the same back without amendment and recommend that it do pass, and ask to be discharged from the further consideration of the same.

B. L. HILL, *Chairman*.

Report accepted and committee discharged.

On motion of Mr. Hill,

The bill was placed on the order of third reading.

By the judiciary committee :

The committee on the judiciary, to whom was recommitted Senate bill, No. 11, entitled

A bill to amend sections 4339, 4340, 4341, 4342, of the compiled laws, in relation to the competency of witnesses and examination of parties in certain cases,

Respectfully report that they have reconsidered the amendments heretofore reported by mistake, and allowed the same, as herewith reported, and when so amended recommend that the same do pass. We also report back the amendments, formerly and still proposed by the minority of the committee, in which the majority do not concur, and ask to be discharged from the further consideration of the subject.

THOS. W. LOCKWOOD, *Chairman*.

Report accepted and committee discharged.

On motion of Mr. Sessions,

The House concurred in the amendments made by the majority of the committee.



The bill was referred to the committee of the whole, and placed on the general order.

By the committee on the judiciary :

The committee on the judiciary, to whom was referred Senate bill, entitled

A bill to facilitate trials and other proceedings by jury,

Respectfully report that they have had the said bill under consideration, and return the same to the House with the accompanying amendments, recommending that the amendments be concurred in, and that it do pass, and ask to be discharged from the further consideration of the subject.

THOS. W. LOCKWOOD, *Chairman.*

Report accepted and committee discharged.

On motion of Mr. Childs,

The House concurred in the amendments made by the committee.

The bill was referred to the committee of the whole, and placed on the general order.

By the judiciary committee :

The committee on the judiciary, to whom was referred House bill, entitled

A bill to amend and add to chapter 132 of the Compiled Laws, entitled of Homestead Exemptions,

Respectfully report that they have had the same under consideration, report it back with the recommendation that it do pass, and ask to be discharged from the further consideration of the subject.

THOS. W. LOCKWOOD, *Chairman.*

Report accepted and committee discharged.

The bill was ordered printed, referred to the committee of the whole, and placed on the general order.

By the judiciary committee :

The committee on the judiciary, to whom was referred

Joint resolution to amend section 12, of article 13, of the constitution of the State of Michigan, relative to the library fund,



Respectfully report that they have had the same under consideration, report it back with the recommendation that it do not pass, and ask to be discharged from the further consideration of the subject.

THOS. W. LOCKWOOD, *Chairman.*

Report accepted and committee discharged.

On motion of Mr. Lockwood,

The joint resolution was laid on the table.

By the judiciary committee :

The committee on the judiciary, to whom was referred Senate bill, entitled

A bill to amend section 3926 of the compiled laws, in relation to criminal jurisdiction of justices of the peace,

Respectfully report that they have had the said bill under consideration, return the same to the House, recommend that it do not pass, and ask to be discharged from the further consideration of the subject.

THOS. W. LOCKWOOD, *Chairman.*

Report accepted and committee discharged.

On motion of Mr. Howell,

The bill was placed on the order of third reading.

By the judiciary committee:

The committee on the judiciary to whom was referred Senate bill, entitled

A bill to amend section 3563 of the compiled laws, relative to proceedings in chancery for the foreclosure of mortgages,

Respectfully report that they have had the same under consideration, report it back with the recommendation that it do pass, and ask to be discharged from the further consideration of the subject.

THOS. W. LOCKWOOD, *Chairman.*

Report accepted and committee discharged.

On motion of Mr. Pringle,

The bill was placed on the order of third reading.

By the judiciary committee :



The committee on the judiciary, to whom was referred

A bill to provide for the signing of decrees, records and journals of courts of record,

Respectfully report that they have had the said bill under consideration, and return the same to the House with the accompanying amendments, recommending that the amendments be concurred in, and that it do pass, and ask to be discharged from the further consideration of the subject.

THOS. W. LOCKWOOD, *Chairman.*

Report accepted and committee discharged.

On motion of Mr. Fallass,

The House concurred in the amendments made by the committee.

The bill was referred to the committee of the whole, and placed on the general order.

By the committee on the judiciary :

The committee on the judiciary, to whom was recommitteed House bill, entitled

A bill to amend sections 3 to 11, inclusive, of chapter 100, of the compiled laws, relative to referees,

Respectfully report that they have had the said bill under consideration, and return the same to the House with the accompanying amendments, recommend that the amendments be concurred in, and that it do pass, and ask to be discharged from the further consideration of the subject.

THOS. W. LOCKWOOD, *Chairman.*

Report accepted and committee discharged.

On motion of Mr. Childs,

The House concurred in the amendments made by the committee.

The bill was ordered printed, referred to the committee of the whole, and placed on the general order.

By the committee on judiciary :

The committee on the judiciary, to whom was referred Senate bill, being



A bill to amend sections 404 and 405, of the compiled laws, being sections 63 and 64, of chapter 10, enabling county clerks to appoint deputies,

Respectfully report that they have had said bill under consideration, and return the same to the House with the accompanying amendments, recommending that the amendments be concurred in, and that it do pass, and ask to be discharged from the further consideration of the subject.

THOS. W. LOCKWOOD, *Chairman.*

Report accepted and committee discharged.

On motion of Mr. Cutcheon,

The House concurred in the amendments made by the committee.

The bill was referred to the committee of the whole, and placed on the general order.

By the judiciary committee:

The committee on the judiciary, to whom was referred House bill, entitled

A bill in relation to assignments, and to compel assignees to give security,

Respectfully report that they have had the said bill under consideration, and return the same to the House with the accompanying amendments, recommending that the amendments be concurred in, and that it do pass, and ask to be discharged from the further consideration of the subject.

THOS. W. LOCKWOOD, *Chairman.*

Report accepted and committee discharged.

On motion of Mr. Sessions,

The House concurred in the amendments made by the committee.

The bill was ordered printed, referred to the committee of the whole and placed on the general order.

By the judiciary committee:

The committee on the judiciary, to whom was referred sev-



eral petitions asking for such an amendment to the Constitution as would extend the right of suffrage to persons of color,

Respectfully report that they have had the said petitions under consideration, and that they can come to no agreement on the subject. They therefore return the same with a joint resolution, such as the petitions call for, entitled

Joint resolution proposing an amendment to section one, article seven, of the Constitution of Michigan, relative to the right of suffrage,

And submit the same without recommendation, and ask to be discharged from the further consideration of the subject.

GILBERT E. PRATT, *for the Committee.*

Report accepted and committee discharged.

The joint resolution was read a first and second time by its title, ordered printed, referred to the committee of the whole, and placed on the general order.

By the committee on ways and means;

The committee on ways and means, to whom was referred

A bill making appropriations for the support of the State Normal School,

Have had the same under consideration, and have instructed me to report the same back, with certain amendments. The bill provides that the State Treasurer shall transfer from the general fund to the normal school interest fund, \$6,500 for the year 1861, and the sums of \$9,000 for each of the years 1862 and 1863.

The committee think that no sum should be appropriated by this legislature for any purpose for the year 1863, it being the proper business of the next legislature which may be assembled to provide further appropriations for that year.

They think, also, that in the present condition of the finances of the State, they can recommend no appropriations for any expenditures which can be avoided, and they do not deem it necessary to appropriate \$9,000 for the support of the normal school for 1862. The usual appropriations for that purpose, is



they think, about six thousand dollars, and beyond what is usual for the support of the school they cannot recommend.

If money be required for any other purpose, it should be specified, and an appropriation made for the purpose asked; and thus the committee have instructed me to say the condition of the finances is such, that it is quite impossible that any expenditures can be recommended, except those which are so necessary as to be absolutely unavoidable.

They have, therefore, instructed me to report that the bill be amended by striking out the appropriation for 1863, and striking out nine, and inserting \$6,500 for the year 1862, thus appropriating \$6,500 for each of the years 1861 and '62, and no more, and when the bill is so amended, recommend its passage, and ask to be discharged from the further consideration of the subject.

J. F. JOY, *Chairman.*

Report accepted and committee discharged.

On motion of Mr. Childs,

The House concurred in the amendments made by the committee.

The bill was referred to the committee of the whole, and placed on the general order.

By the committee on State Prison:

The committee on State Prison, to whom was referred Senate bill, No. 45, being

A bill to establish the Detroit House of Correction, and authorize the confinement of convicted persons therein,

Respectfully report that they have had the same under consideration, and have instructed their chairman to report the same back to the House without amendment, and recommend that it do pass, and ask to be discharged from the further consideration of the same.

H. B. SHANK, *Chairman.*

Report accepted and committee discharged.

The bill was referred to the committee of the whole, and placed on the general order.



By the special committee on salt interest:

The special committee, to whom was referred so much of the Governors' messages as referred to the manufacture of salt, and also a resolution to report to the House information as to the number of companies that have been organized in the State; the number actually engaged in said manufacture; the quantity of salt manufactured by each; the strength of the brine in the wells of each, and such other matter in regard to salt wells and salt manufactures of this State, as would be of interest to the House, would submit the following report:

The numerous salt springs which are found scattered over the State, have for a long time, led to the belief, that Michigan contained within herself, water of sufficient strength to enable her to manufacture all the salt which she required for her own use, and also to supply a large foreign demand.

Some 20 years since, Mr. Lyon, of Grand Rapids, sunk a well at that place to the depth of about 600 feet. About the same time he also entered into a contract with Dr. Houghton, on behalf of the State, to sink another well at the same place, which was carried to the depth of about 875 feet.

Neither of these experiments appear to have been of much practical benefit; although salt water was obtained, and arrangements made for the manufacture of salt, yet the brine was found to be not of sufficient strength to make it profitable, and the enterprise was abandoned.

From that time nothing appears to have been done until the meeting of the Legislature in 1859. This Legislature passed an act giving a bounty of ten cents per bushel on all salt manufactured from water obtained from springs in this State. This action of the Legislature induced capitalists to engage in the business, and the sinking of wells was commenced, both at Grand Rapids and on the Saginaw River in Saginaw county.

At Grand Rapids there are at this time, finished and unfinished, six wells; three by corporations, and three by private enterprise, viz: The Grand Rapids salt manufacturing company, depth of well 410 feet. The Grand River salt manufac-



turing company,—402 feet. The Indian Mill Creek salt manufacturing company,—450 feet. Mr. Butterworth's well, 500 feet; Mr. Taylor's well, 402 feet; and Mr. Winsor's well, 500 feet.

The strength of the water obtained at this place appears, by salometer tests, to be about 20 °, all the wells showing about the same strength. Although at most of these wells arrangements were made to commence the manufacture of salt, but a small quantity has been made.

It was found that it required 150 gallons of water to make one bushel of salt, and that the cost of the fuel required to manufacture salt from this water was equal to the market value of the salt itself, and were it not for the bounty paid by the State the enterprise must be abandoned. The amount expended is \$25,000.

At Saginaw there are nine wells, viz: The East Saginaw Salt Manufacturing Company two wells, one 670 feet, and one 806 feet; the Saginaw City Salt Manufacturing Company, 600 feet; Messrs. Hill, Gilbert & Co.'s well, 212 feet; Messrs. Ward, Curtis & Co.'s well, 560 feet; Messrs. Litchfield & Co.'s well, 460 feet; Portsmouth Company, 620 feet; the Bay City Salt Manufacturing Company, 510 feet, and the Michigan Salt Manufacturing Company, depth of well not known.

The strength of the water at these wells is from 70 to 90 degrees. But one company has commenced making salt, viz, the East Saginaw Salt Manufacturing Co. They have one block of 50 kettles, in which they make 40 barrels per day, using the water from but one well—the one of 670 feet. The water is obtained by pumping, as it does not rise to the surface of the ground. They require about 15 gallons of water per minute, to keep all these kettles in operation. When this quantity is taken from the well, the strength is reduced to 70 degrees, requiring 90 gallons of brine for 1 bushel of salt. The salometer shows the quantity of solid matter contained in the water, but this is not necessarily all salt. All salt water contains more or less of



impurities, and the impurities have much to do with successful manufacture.

This accounts for the fact that 60 gallons of brine at Syracuse, showing a strength of 60 degrees, will produce as much salt as 90 gallons of water in Michigan at 70 degrees. These impurities, which are called "bitterns," make the process of manufacturing both difficult and expensive. The cost of making a barrel of salt at Saginaw is about 95 cents. The amount expended on these wells is about \$65,000. The Saginaw City, the Portsmouth, and the Bay City companies, have made arrangements to commence operating on the opening of navigation with one block of kettles each.

Professor Winchell, in his able geological report not yet published, says: "It cannot be denied that the prospects of the ultimate success of the manufacture in Michigan, are exceedingly encouraging. The unparalleled strength of the brine of the Saginaw Valley, the position surrounded by forests, which must cheapen to the last degree the expense of barrels and fuel, and upon the immediate shore of navigable waters, stretching from Oswego to Chicago, is such as to enable us to compete successfully with any other source of supply to the western and north-western States." But he also says: "It must not be forgotten that the enterprise is still in its infancy, and in view of the powerful competition arrayed against it, still needs the fostering care of the government to a liberal extent."

But there are other considerations which in the opinion of your committee make it important, that the help of the State should not be withdrawn from this enterprise. The time will come when the immense forests which now cover so large a part of Michigan will no longer exist, and when fuel, as in New York, will become expensive.

The geological examination of our State shows, that overlaying the salt rock, there is a strata of coal from three to five feet in thickness. This coal, in the center of the State, is near the surface, and if salt water can be obtained in that locality of equal strength to that already found, the manufacture of



salt for all coming time, at a price which will defy all competition will be placed beyond a doubt.

In the opinion of your committee the true policy of the State is to continue in the course already begun, and adopt such measures as shall induce her citizens to continue the investigation until all the facts connected with the salt formations of our State are definitely determined.

The true interests of the people require that nothing should be imported which can be more cheaply manufactured at home, and when such manufacture is more than enough to supply our own wants, it becomes a source of wealth, is ever increasing. If the estimate of Governor Wisner, that we use one hundred pounds to each person, is correct, Michigan purchases each year 220,000 barrels of salt. If by making it ourselves we can save 20 cents per barrel, we save in each year \$40,000 to our own citizens, besides the profits on that we sell to others, and this when a large portion of the State is still a wilderness. Again, through inducements held out by the State, over \$100,000 has already been expended. Would it be just to place this large amount of capital in danger of being lost, simply because there was a prospect that the enterprise will prove a successful one? Is it good policy to leave the man who has begun this work to struggle alone against the immense competition which is striving, by every means which they can use, to force them to abandon their works. The committee have instructed me to bring in a bill, entitled

A bill to amend an act entitled an act to encourage the manufacture of salt in the State of Michigan, approved February 15, 1859 ;

Which they recommend do pass, and ask to be discharged from the further consideration of the same.

T. M. WILSON, *Chairman.*

Report accepted and committee discharged.

The bill was read a first and second time by its title, ordered printed, referred to the committee of the whole, and placed on the general order.



## MESSAGES FROM THE SENATE.

The Speaker announced the following :

SENATE CHAMBER,  
*Lansing, February 12, 1861.* }

*To the Speaker of the House of Representatives :*

SIR :—I am instructed by the Senate to transmit the following entitled bills:

1. A bill to authorize and empower judges of probate to license executors, administrators and guardians to mortgage, or otherwise pledge estate for the settlement of debts against the same ;

2 A bill making appropriations for paying the indebtedness incurred by repairing damage done by fire at the reform school ;

3. A bill to provide for the superintendence and care of the Bay City and Tuscola county plank road ;

4. A bill to attach fractional township 17 north, of range 9 east, to the township of Caseville, in Huron county ;

Which have passed the Senate by a majority vote of all the Senators elect, and by a vote of two-thirds of all the Senators elect, been ordered to take immediate effect, and in all of which the concurrence of the House is respectfully asked.

Very respectfully,

A. B. TURNER.

*Secretary of the Senate.*

The first named bill was read a first and second time by its title, and referred to the committee on judiciary.

The second named bill was read a first and second time by its title, and,

On motion of Mr. Shank,

The bill was placed on the order of third reading.

The third named bill was read a first and second time by its title, and referred to the committee on banks and incorporations.

The fourth named bill was read a first and second time by its title, and referred to the committee on towns and counties.



Also the following :

SENATE CHAMBER,  
*Lansing, February 12, 1861.* }

*To the Speaker of the House of Representatives :*

SIR:—I am instructed by the Senate to transmit the following entitled bill :

Senate bill No. 18, being

A bill to amend section 364, of chapter 10, of the compiled laws, relative to the compensation of supervisors,

Which has passed the Senate by a majority vote of all the Senators elect, and in which the concurrence of the House is respectfully asked.

Very respectfully,

A. B. TURNER,  
*Secretary of the Senate.*

[The bill was read a first and second time by its title, and referred to the committee on judiciary.

Also the following :

SENATE CHAMBER,  
*Lansing, February 12, 1861.* }

*To the Speaker of the House of Representatives :*

SIR:—I am instructed to return to the House the following entitled bills :

A bill to amend an act to amend certain sections of an act to incorporate the city of Flint, approved February 13, 1855, approved February 2, 1857;

Also,

A bill attaching certain territory to the township of Geneva, in Tuscola county;

In the passage of which the Senate has concurred by a majority vote of all the Senators elect, and has ordered the same to take immediate effect by a vote of two-thirds of all the Senators elect.

Very respectfully,

A. B. TURNER,  
*Secretary of the Senate.*



The bills were referred to the committee on engrossment and enrollment for enrollment.

MOTIONS, RESOLUTIONS AND NOTICES.

Mr. Read gave notice that on some future day he would ask leave to introduce

A bill to amend section 90, chapter 17, of the compiled laws, relative to the sale of lands for taxes.

Mr. Goodrich gave notice that on some future day he would ask leave to introduce

A bill appropriating certain taxes for the improvement of a road in the counties of Eaton and Ionia.

Mr. Toll gave notice that on some future day he would ask leave to introduce

A bill to lay out and construct a State road from East Moran Bay, in the county of Mackinac, to Milcocien Bay, in said county, donating swamp lands to aid in the construction thereof.

Mr. Rankin moved to take from the table House bill, entitled

A bill authorizing the Flint and Pere Marquette Railway Company to extend its road from Flint to the Detroit and Milwaukee Railroad ;

Which motion prevailed.

Mr. Rankin then offered the following:

*Resolved*, That House bill No. 83, entitled

A bill authorizing the Flint and Pere Marquette Railway Company to extend its railroad from Flint to the Detroit and Milwaukee Railroad,

Be referred to the committee on the judiciary, with instructions to inquire whether an act entitled

An act to authorize the Flint and Pere Marquette Railway Company to purchase the property, rights, &c., of the Genesee Railroad Company, approved Feb. 15, 1859,

Be constitutional, or so free from doubt as to its constitutionality, as to justify the purchase and consolidation contemplated in said act, so that said Company may, without further legislation, extend its road from Flint to the Detroit and Milwaukee Railway, and to make report thereon to this House.



Mr. Howell moved that the whole subject be laid on the table ;

Which motion prevailed.

Mr. Shank moved that the committee of the whole be discharged from the further consideration of House bill No. 81, being

A bill to provide for the laying out and establishing a State road from Lansing, in Ingham county, to Flint, in Genesee county ;

Which motion prevailed.

On motion of Mr. Shank,

The bill was recommitted to the committee on roads and bridges.

Mr. Howell gave notice that on some future day he would ask leave to introduce

A bill to divide and reorganize the ninth judicial circuit.

Mr. Beamer gave notice that on some future day he would ask leave to introduce

A bill to amend the corporate limits of the village of Hastings.

Mr. Jones gave notice that on some future day he would ask leave to introduce

A bill to lay out and establish a State road in the county of Cass, and making an appropriation of swamp land for the construction of the same.

Mr. Stoddard gave notice that on some future day he would ask leave to introduce

A bill to provide for cleaning out and deepening the channel of the Wiscogin river, in the township of Geneva, by means of an appropriation of swamp lands.

Mr. Shank offered the following:

*Resolved*, That the use of this hall be granted to the society of the Universalist Church of this city, on Tuesday evening, February 19th, for the purpose of a donation for the benefit of Rev. Mr. Vibbert.

Which was adopted.



Mr. Gregory offered the following :

*Resolved*, That the chairman of the committee on printing be and is hereby requested to inform this House why the Governors' messages ordered printed in the foreign languages for the use of members have not been supplied ;

Which was adopted.

Mr. Tibbits offered the following:

*Resolved*, That House bill No. 27, relating to the amendment of the charter of the city of Detroit, be taken from the table ;

Which was adopted, and the bill placed on the order of third reading.

Mr. Hill offered the following :

*Resolved*, That the report of the committee on mines and minerals be printed in the journals, and that 1000 extra copies be printed for the use of this House ;

Which was withdrawn.

Mr. W. N. Stevens, unanimous consent being given, introduced

A bill to amend "an act to incorporate the city of Ann Arbor," approved April 4, 1851 ;

The bill was read a first and second time by its title, and referred to the committee on banks and incorporations.

Mr. A. Stevens, previous notice having been given, and leave being granted, introduced

A bill to lay out and establish a State road from Tawas city, in Iosco county, to Traverse city, in Grand Traverse county, and to make an appropriation of swamp land thereupon ;

The bill was read a first and second time by its title, and referred to the committee on public lands.

Mr. Sessions, previous notice having been given, and leave being granted, introduced

A bill to protect the owners of sheep from damage done by dogs ;

The bill was read a first and second time by its title, and referred to the committee on agriculture and manufactures.



Mr. Waterbury, previous notice having been given, and leave being granted, introduced

A bill entitled an act to amend act 144, of the session laws of 1849, being an act to amend act No. 21, of session laws of 1858, it being an act to amend act No. 63, of session laws of 1857, entitled an act to lay out and establish a State road in the counties of Sanilac and Tuscola ;

The bill was read a first and second time by its title, and referred to the committee on judiciary.

Mr. Pringle, unanimous consent being given, introduced

A bill to authorize religious, eleemosynary and other corporations, not municipal, to sell, convey, exchange or mortgage real estate for certain purposes ;

The bill was read a first and second time by its title, and referred to the committee on banks and incorporations.

Mr. Howell, unanimous consent being given, introduced

A bill authorizing the trustees of the Methodist Episcopal Church of Muskegon, in the county of Muskegon, to mortgage their church edifice and lands.

The bill was read a first and second time by its title, and referred to the committee on banks and incorporations.

Mr. Howell, unanimous consent being given, introduced

A bill to authorize the laying out and building a State road from Muskegon, in the county of Muskegon, to Clam River, in the county of Clare.

The bill was read a first and second time by its title, and referred to the committee on public lands.

Mr. Gilbert, unanimous consent being given, introduced

A Joint resolution to provide for amending sections one, two and four of article fifteen, of the constitution, relating to corporations.

The joint resolution was read a first and second time by its title, and

On motion of Mr. Gregory,

Was referred to the committee on the judiciary, and ordered printed in the journal.



The following is the joint resolution :

**JOINT RESOLUTION** to provide for amending sections one, two and four, of article fifteen of the Constitution, relating to corporations.

*Resolved by the Senate and House of Representatives of the State of Michigan,* That sections one, two and four, of article fifteen, of the Constitution of the State of Michigan, shall be amended so as to read as follows, viz :

Section 1. Corporations shall be formed under general laws enacted for that purpose, except in such cases as the Legislature shall deem it expedient and proper to grant special acts of incorporation for; all laws passed pursuant to this section may be altered, amended or repealed.

Sec. 2. No banking law, or law for banking purposes, or any amendment thereto, shall be passed without the vote of two-thirds of all the members elected to each House.

Sec. 4. The Legislature shall provide by law for the registry of all bills or notes issued or put in circulation as money, and shall require therefor such security, either in United States or State stocks, or otherwise, as shall be deemed necessary, for the prompt and full payment of all notes or bills so registered and issued.

The above amendment of the Constitution shall be submitted to the people at the *next* general election, as provided in section 1, article 20, of the Constitution, which said election will be held on the first Monday of April next, for the election of a Justice of the Supreme Court; and the Secretary of State is hereby requested to give notice of the same, thirty days previous thereto, in the same manner that he is now required to do in the case of an election of Justice of the Supreme Court, and the inspectors of election in the several towns and cities of this State shall prepare a suitable box for the reception of ballots cast for and against said amendment. Each person voting for said amendment to said articles shall have written or printed on his ballot the words "amendment of sections one, two and four, of article fifteen, "yes;" and those voting



against it, "amendment of sections *one, two and four*, of article fifteen, "no." The ballots shall in all respects be canvassed, and the result declared as the votes for Justice of the Supreme Court are required to be canvassed and declared.

### THIRD READING OF BILLS AND JOINT RESOLUTIONS.

House bill, entitled

A bill to provide for the marking and branding of horses, cattle, sheep and swine,

Was read a third time and passed, a majority of all the members elect voting therefor, by yeas and nays, as follows :

#### YEAS.

Mr. Alexander,	Mr. N. K. Green,	Mr. Ramsdell,
Atwood,	Hadley,	Rankin,
Baker,	Henderson,	Read,
Beamer,	Hill,	Sessions,
Blakeslee,	Hodges,	Shank,
Brownell,	Hurd,	Smith,
Bunce,	Joy,	Strong,
Childs,	Kanouse,	Tibbits,
Chapoton,	Lockwood,	Toll,
Cox,	Morrison,	Wallin,
Crego,	Moore,	Warner,
Ira Davis,	Persons,	Waterbury,
Douglas,	Peterson,	Wetherby,
Fallass,	Phelps,	Winans,
Follett,	Piper,	Woodward,
Gilbert,	Pratt,	Wright,
Goodrich,	Pringle,	Speaker,
A. L. Green,		

52

#### NAYS.

Mr. Choate,	Mr. Hemingway,	Mr. Stoddard,
Cooley,	Hood,	Taylor,
A. W. Davis,	Howell,	Wade,
Fowle,	Peters,	Wheeler,
Gregory,	A. Stevens,	J. B. Wilson,
Haire,	Stewart,	Woodman,

18

Title agreed to.

House bill, entitled

A bill to amend act No. 129, of the session laws of 1859, relative to the charter of the city of Detroit, approved February 14, 1859,



Was read a third time, and a majority of all the members elect not voting therefor, was not passed, by yeas and nays, as follows:

## YEAS.

Mr. Choate, Cooley, Cox, A. W. Davis, Ira Davis, Fowle, Gregory, Haire,	Mr. Hemingway, Hill, Hodges, Hood, Howell, Kanouse, Leetch, Miller,	Mr. Moore, Peters, Read, Strong, Taylor, Tibbits, Wade, Wetherby, 24
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## NAYS.

Mr. Alexander, Atwood, Baker, Beamer, Blakeslee, Brownell, Bunce, Childs, Chapoton, Crego, Cutcheon, Douglas, Fallass, Follett, Gilbert, Goodrich,	Mr. A. L. Green, N. K. Green, Hadley, Henderson, Hurd, Joy, Lockwood, Morrison, Peterson, Phelps, Piper, Pratt, Pringle, Ramsdell, Rankin, Sessions,	Mr. Shank, Smith, W. N. Stevens, Stewart, Stoddard, Toll, Wallin, Warner, Waterbury, Wheeler, T. M. Wilson, J. B. Wilson, Winans, Woodward, Wright, Speaker, 48
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On motion of Mr. Alexander,

The House adjourned till 2 o'clock this afternoon.

## AFTERNOON SESSION.

2 o'clock P. M.

House met, and was called to order by the Speaker.

Roll called : quorum present.

## MESSAGE FROM THE SENATE.

By unanimous consent, the Speaker announced the following:



SENATE CHAMBER,  
*Lansing, February 13, 1861.* }

*To the Speaker of the House of Representatives:*

SIR—I am instructed by the Senate to transmit the following concurrent resolution:

*Whereas*, The highest interests of the State require amendments of the Constitution, in many of its provisions, in the opinion of this Legislature, and should be accomplished at the earliest day practicable; therefore,

*Resolved*, By the Senate (the House concurring) that a committee of three from each branch of the Legislature, be appointed to act as a joint committee, to take into consideration and report what amendments of the Constitution of the State are required to promote the best interest of the people of the State, and that such committee be authorized to report by joint resolution such amendments as, in their opinion, should be submitted to the people;

Which has passed the Senate, and in which the concurrence of the House is respectfully asked.

Very respectfully,

A. B. TURNER,

*Secretary of the Senate.*

On motion of Mr. Howell,

The House concurred in the adoption of the resolution.

The hour having arrived, the Speaker announced

THE SPECIAL ORDER OF THE DAY,

Being the several bills for the apportionment anew of the representatives among the several counties and districts of this State;

Mr. Gilbert offered the following :

*Resolved*, That the several bills providing for the apportionment anew of the representatives among the several counties and districts of this State, be recommitted to the committee on State affairs, with instructions to report a perfected bill agreeable to a ratio of one representative for every ten thousand white persons and civilized persons of Indian descent not members of



any tribe, and one representative for a fraction equal to a moiety of said ratio or less, where by constitutional provision a less number in any county or district is entitled to a representative.

Mr. Adams moved to strike out the words "ten thousand," and insert in lieu thereof the words "nine thousand five hundred;"

Mr. Shank called for a division of the question, and the question being upon striking out the words "ten thousand,"

Mr. Gilbert demanded the yeas and nays.

The demand was seconded, and the motion prevailed, by yeas and nays as follows :

## YEAS.

Mr. Adams,	Mr. N. K. Green,	Mr. Stewart,	
Alexander,	Hadley,	Stoddard,	
Atwood,	Haire,	Taylor,	
Beamer,	Hill,	Tibbits,	
Blakeslee,	Hood,	Toll,	
Brownell,	Kanouse,	Warner,	
Bunce,	Leetch,	Wetherby,	
Childs,	Morrison,	Wheeler,	
Choate,	Moore,	T. M. Wilson,	
Cooley,	Peters,	J. B. Wilson,	
A. W. Davis,	Rankin,	Woodward,	
Douglas,	Read,	Wright,	
Fallass,	A. Stevens,	Speaker,	39

## NAYS.

Mr. Baker,	Mr. Hodges,	Mr. Pringle,	
Chapoton,	Howell,	Ramsdell,	
Cox,	Hurd,	Sessions,	
Cutcheon,	Jones,	Smith,	
Ira Davis,	Joy,	W. N. Stevens,	
Follett,	Lockwood,	Strong,	
Fowle,	Miller,	Wade,	
Gilbert,	Persons,	Wallin,	
Goodrich,	Peterson,	Waterbury,	
Gregory,	Phelps,	Winans,	
Henderson,	Pratt,	Woodman,	
Hemingway,			34

Mr. Cooley moved to fill the blank with "eight thousand five hundred;"

Mr. J. B. Wilson moved to fill the blank with "eight thousand and ;"



Mr. T. M. Wilson moved to fill the blank with "nine thousand ;"

Mr. Morrison moved to reconsider the vote by which the House struck out the words "ten thousand ;"

Mr. Atwood moved to lay the motion to reconsider on the table ;

Mr. Cutcheon demanded the yeas and nays.

The demand was seconded, and the motion did not prevail, by yeas and nays, as follows :

## YEAS.

Mr. Adams,  
Atwood,  
Brownell,  
Cutcheon,  
A. W. Davis,  
Douglas,  
Follett,

Mr. N. K. Green,  
Hadley,  
Haire,  
Howell,  
Piper,  
Rankin,  
Read,

Mr. Stewart,  
Toll,  
Warner,  
Wheeler,  
T. M. Wilson,  
Woodman,

20

## NAYS.

Mr Alexander,  
Baker,  
Beamer,  
Blakeslee,  
Childs,  
Choate,  
Chapoton,  
Cooley,  
Cox,  
Crego,  
Ira Davis,  
Fallass,  
Fowle,  
Gilbert,  
Goodrich,  
Gregory,  
Henderson,

Mr. Hill,  
Hodges,  
Hood,  
Hurd,  
Jones,  
Joy,  
Kanouse,  
Leetch,  
Lockwood,  
Miller,  
Morrison,  
Moore,  
Persons,  
Peters,  
Peterson,  
Phelps,  
Pratt,

Mr. Pringle,  
Ramsdell,  
Sessions,  
Smith,  
W. N. Stevens,  
Strong,  
Taylor,  
Tibbits,  
Wade,  
Wallin,  
Waterbury,  
Wetherby,  
J. B. Wilson,  
Winans,  
Woodward,  
Wright,  
Speaker,

51

The question recurring upon the motion to reconsider,

Mr. Joy demanded the yeas and nays.

The demand was seconded, and the motion did not prevail, by yeas and nays, as follows :



## YEAS.

Mr. Alexander,	Mr. Hadley,	Mr. Pratt,
Baker, .	Henderson,	Pringle,
Chapoton,	Hemingway,	Sessions,
Cox,	Howell,	Smith,
Crego,	Hurd,	W. N. Stevens,
Cutcheon,	Jones,	Strong,
Ira Davis,	Joy,	Wade,
Fowle,	Lockwood,	Wallin,
Gilbert,	Miller,	Waterbury,
Goodrich,	Peterson,	Winans,
Gregory,	Phelps,	Woodman, 33

## NAYS.

Mr. Adams,	Mr. Hill,	Mr. Stewart,
Atwood,	Hodges,	Stoddard,
Beamer,	Hood,	Taylor,
Blakeslee,	Kanouse,	Tibbits,
Brownell,	Leetch,	Toll,
Childs,	Morrison,	Warner,
Choate,	Moore,	Wetherby,
Cooley,	Persons,	Wheeler,
A. W. Davis,	Peters,	T. M. Wilson,
Douglas,	Piper,	J. B. Wilson,
Fallass,	Ramsdell,	Woodward,
Follett,	Rankin,	Wright,
N. K. Green,	Read,	Speaker,
Haire,	A. Stevens,	41

Mr. Morrison moved to fill the blank with "eight thousand four hundred;"

Mr. Gregory moved to fill the blank with "nine thousand five hundred ;"

Mr. Pringle moved to fill the blank with "nine thousand eight hundred and fifty ;"

Mr. Stewart moved to fill the blank with "eleven thousand;"

Mr. Blakeslee moved to fill the blank with "twelve thousand."

The question being upon filling the blank with "twelve thousand," the same did not prevail.

The motion to fill the blank with "eleven thousand" did not prevail.

The question recurring upon filling the blank with "nine thousand eight hundred and fifty,"



Mr. Howell demanded the previous question.

The demand was not seconded.

Mr. Howell then demanded the yeas and nays.

The demand was seconded, and the motion did not prevail, by yeas and nays, as follows :

#### YEAS.

Mr. Adams,  
Alexander,  
Baker,  
Childs,  
Chapoton,  
Cox,  
Crego,  
Cutcheon,  
Fowle,  
Gilbert,  
Goodrich,  
Gregory,  
Henderson,

Mr. Hemingway,  
Howell,  
Hurd,  
Jones,  
Joy,  
Lockwood,  
Miller,  
Persons,  
Peterson,  
Phelps,  
Piper,  
Pratt,  
Pringle,

Mr. Ramsdell,  
Read,  
Sessions,  
Smith,  
W. N. Stevens,  
Strong,  
Wade,  
Wallin,  
Waterbury,  
J. B. Wilson,  
Winans,  
Woodman,

38

#### NAYS.

Mr. Atwood,  
Beamer,  
Blakeslee,  
Brownell,  
Bunce,  
Choate,  
Cooley,  
A. W. Davis,  
Ira Davis,  
Douglas,  
Fallass,  
Follett,  
N. K. Green,

Mr. Hadley,  
Haire,  
Hill,  
Hodges,  
Hood,  
Kanouse,  
Leetch,  
Morrison,  
Moore,  
Peters,  
Rankin,  
Shank,  
A. Stevens,

Mr. Stewart,  
Stoddard,  
Taylor,  
Tibbits,  
Toll,  
Warner,  
Wetherby,  
Wheeler,  
T. M. Wilson,  
Woodward,  
Wright,  
Speaker,

38

The motion to fill the blank with "nine thousand five hundred," did not prevail, by yeas and nays, as follows :

#### YEAS.

Mr. Adams,  
Atwood,  
Baker,  
Childs,  
Chapoton,  
Cox,  
Crego,

Mr. Henderson,  
Hemingway,  
Howell,  
Hurd,  
Jones,  
Joy,  
Lockwood,

Mr. Ramsdell,  
Read,  
Sessions,  
Smith,  
W. N. Stevens,  
A. Stevens,  
Wade,



Cutcheon,  
Fowle,  
Gilbert,  
Goodrich,  
Gregory,

Miller,  
Persons,  
Phelps,  
Pratt,  
Pringle,

Wallin,  
Waterbury,  
J. B. Wilson,  
Winans,  
Woodman,

86

## NAYS.

Mr. Alexander,  
Beamer,  
Blakeslee,  
Brownell,  
Bunce,  
Cooley,  
A. W. Davis,  
Ira Davis,  
Douglas,  
Fallass,  
Follett,  
N. K. Green,  
Hadley,

Mr. Haire,  
Hill,  
Hodges,  
Hood,  
Kanouse,  
Leetch,  
Morrison,  
Moore,  
Peters,  
Peterson,  
Piper,  
Rankin,  
Stewart,

Mr. Stoddard,  
Strong,  
Taylor,  
Tibbits,  
Toll,  
Warner,  
Wetherby,  
Wheeler,  
T. M. Wilson,  
Woodward,  
Wright,  
Speaker,

88

Mr. Pringle moved to fill the blank with "nine thousand four hundred;"

Which motion did not prevail, by yeas and nays, as follows:

## YEAS.

Mr. Adams,  
Atwood,  
Baker,  
Childs,  
Chapoton,  
Cox,  
Crego,  
Cutcheon,  
Fowle,  
Gilbert,  
Goodrich,  
Gregory,

Mr. Hemingway,  
Howell,  
Jones,  
Joy,  
Lockwood,  
Miller,  
Persons,  
Phelps,  
Pringle,  
Ramsdell,  
Read,

Mr. Sessions,  
Smith,  
W. N. Stevens,  
A. Stevens,  
Stoddard,  
Wade,  
Wallin,  
Waterbury,  
J. B. Wilson,  
Winans,  
Woodman,

34

## NAYS.

Mr. Alexander,  
Beamer,  
Blakeslee,  
Brownell,  
Bunce,  
Choate,  
Cooley,  
A. W. Davis,

Mr. Haire,  
Henderson,  
Hill,  
Hodges,  
Hood,  
Hurd,  
Kanouse,  
Leetch,

Mr. Rankin,  
Stewart,  
Strong,  
Taylor,  
Tibbits,  
Toll,  
Warner,  
Wetherby,



Respectfully report that they have had the same under consideration, report it back with the recommendation that it do not pass, and ask to be discharged from the further consideration of the subject.

THOS. W. LOCKWOOD, *Chairman.*

Report accepted and committee discharged.

On motion of Mr. Lockwood,

The joint resolution was laid on the table.

By the judiciary committee :

The committee on the judiciary, to whom was referred Senate bill, entitled

A bill to amend section 3926 of the compiled laws, in relation to criminal jurisdiction of justices of the peace,

Respectfully report that they have had the said bill under consideration, return the same to the House, recommend that it do not pass, and ask to be discharged from the further consideration of the subject.

THOS. W. LOCKWOOD, *Chairman.*

Report accepted and committee discharged.

On motion of Mr. Howell,

The bill was placed on the order of third reading.

By the judiciary committee:

The committee on the judiciary to whom was referred Senate bill, entitled

A bill to amend section 3563 of the compiled laws, relative to proceedings in chancery for the foreclosure of mortgages,

Respectfully report that they have had the same under consideration, report it back with the recommendation that it do pass, and ask to be discharged from the further consideration of the subject.

THOS. W. LOCKWOOD, *Chairman.*

Report accepted and committee discharged.

On motion of Mr. Pringle,

The bill was placed on the order of third reading.

By the judiciary committee :



The committee on the judiciary, to whom was referred

A bill to provide for the signing of decrees, records and journals of courts of record,

Respectfully report that they have had the said bill under consideration, and return the same to the House with the accompanying amendments, recommending that the amendments be concurred in, and that it do pass, and ask to be discharged from the further consideration of the subject.

THOS. W. LOCKWOOD, *Chairman.*

Report accepted and committee discharged.

On motion of Mr. Fallass,

The House concurred in the amendments made by the committee.

The bill was referred to the committee of the whole, and placed on the general order.

By the committee on the judiciary :

The committee on the judiciary, to whom was recommitteed House bill, entitled

A bill to amend sections 3 to 11, inclusive, of chapter 100, of the compiled laws, relative to referees,

Respectfully report that they have had the said bill under consideration, and return the same to the House with the accompanying amendments, recommend that the amendments be concurred in, and that it do pass, and ask to be discharged from the further consideration of the subject.

THOS. W. LOCKWOOD, *Chairman.*

Report accepted and committee discharged.

On motion of Mr. Childs,

The House concurred in the amendments made by the committee.

The bill was ordered printed, referred to the committee of the whole, and placed on the general order.

By the committee on judiciary :

The committee on the judiciary, to whom was referred Senate bill, being



Respectfully report that they have had the same under consideration, report it back with the recommendation that it do not pass, and ask to be discharged from the further consideration of the subject.

THOS. W. LOCKWOOD, *Chairman.*

Report accepted and committee discharged.

On motion of Mr. Lockwood,

The joint resolution was laid on the table.

By the judiciary committee :

The committee on the judiciary, to whom was referred Senate bill, entitled

A bill to amend section 3926 of the compiled laws, in relation to criminal jurisdiction of justices of the peace,

Respectfully report that they have had the said bill under consideration, return the same to the House, recommend that it do not pass, and ask to be discharged from the further consideration of the subject.

THOS. W. LOCKWOOD, *Chairman.*

Report accepted and committee discharged.

On motion of Mr. Howell,

The bill was placed on the order of third reading.

By the judiciary committee:

The committee on the judiciary to whom was referred Senate bill, entitled

A bill to amend section 3563 of the compiled laws, relative to proceedings in chancery for the foreclosure of mortgages,

Respectfully report that they have had the same under consideration, report it back with the recommendation that it do pass, and ask to be discharged from the further consideration of the subject.

THOS. W. LOCKWOOD, *Chairman.*

Report accepted and committee discharged.

On motion of Mr. Pringle,

The bill was placed on the order of third reading.

By the judiciary committee :



The committee on the judiciary, to whom was referred

A bill to provide for the signing of decrees, records and journals of courts of record,

Respectfully report that they have had the said bill under consideration, and return the same to the House with the accompanying amendments, recommending that the amendments be concurred in, and that it do pass, and ask to be discharged from the further consideration of the subject.

THOS. W. LOCKWOOD, *Chairman.*

Report accepted and committee discharged.

On motion of Mr. Fallass,

The House concurred in the amendments made by the committee.

The bill was referred to the committee of the whole, and placed on the general order.

By the committee on the judiciary :

The committee on the judiciary, to whom was recommitteed House bill, entitled

A bill to amend sections 3 to 11, inclusive, of chapter 100, of the compiled laws, relative to referees,

Respectfully report that they have had the said bill under consideration, and return the same to the House with the accompanying amendments, recommend that the amendments be concurred in, and that it do pass, and ask to be discharged from the further consideration of the subject.

THOS. W. LOCKWOOD, *Chairman.*

Report accepted and committee discharged.

On motion of Mr. Childs,

The House concurred in the amendments made by the committee.

The bill was ordered printed, referred to the committee of the whole, and placed on the general order.

By the committee on judiciary :

The committee on the judiciary, to whom was referred Senate bill, being



Brownell,  
Bunce,  
Choate,  
Cooley,  
A. W. Davis,  
Douglas,  
Fallass,  
Follett,  
Gilbert,  
N. K. Green,

Hill,  
Hodges,  
Hood,  
Hurd,  
Kanouse,  
Leetch,  
Lockwood,  
Morrison,  
Peters,  
Peterson,

Strong,  
Taylor,  
Tibbits,  
Toll,  
Warner,  
Wetherby,  
Wheeler,  
T. M. Wilson,  
Woodward,  
Wright,

37

Mr. Howell moved to lay the whole subject on the table;

Mr. Morrison demanded the yeas and nays;

The demand was seconded, and the motion did not prevail,  
by yeas and nays, as follows:

## YEAS.

Mr. Baker,  
Gregory,  
Howell,  
Pratt,

Mr. Pringle,  
Smith,  
A. Stevens,

Mr. Wade,  
J. B. Wilson,  
Woodman,

10

## NAYS.

Mr. Adams,  
Alexander,  
Atwood,  
Beamer,  
Blakeslee,  
Brownell,  
Bunce,  
Choate,  
Chapoton,  
Cooley,  
Cox,  
Crego,  
Cutcheon,  
A. W. Davis,  
Ira Davis,  
Douglas,  
Fallass,  
Follett,  
Fowle,  
Gilbert,

Mr. Goodrich,  
Hadley,  
Haire,  
Henderson,  
Hemingway,  
Hodges,  
Hood,  
Hurd,  
Leetch,  
Lockwood,  
Morrison,  
Moore,  
Persons,  
Peters,  
Peterson,  
Phelps,  
Piper,  
Ramsdell,  
Rankin,

Mr. Read,  
Sessions,  
Shank,  
W. N. Stevens,  
Stewart,  
Stoddard,  
Strong,  
Taylor,  
Tibbits,  
Toll,  
Wallin,  
Warner,  
Wetherby,  
Wheeler,  
T. M. Wilson,  
Winans,  
Woodward,  
Wright,  
Speaker,

53

Mr. Gilbert moved to fill the blank with "eight thousand  
seven hundred and fifty;"

Which motion did not prevail, by yeas and nays, as follows:



## YEAS.

Mr. Adams,  
Atwood,  
Baker,  
Beamer,  
Childs,  
Chapoton,  
Cox,  
Crego,

Mr. Gilbert,  
Gregory,  
Pratt,  
Ramsdell,  
Read,  
Sessions,  
Shank,  
Smith,

Mr. W. N. Stevens,  
A. Stevens,  
Stoddard,  
Taylor,  
Waterbury,  
J. B. Wilson,  
Speaker,

23

## NAYS.

Mr. Alexander,  
Blakeslee,  
Brownell,  
Bunce,  
Choate,  
Cooley,  
Cutcheon,  
A. W. Davis,  
Ira Davis,  
Douglas,  
Follett,  
Fowle,  
N. K. Green,  
Goodrich,  
Hadley,  
Haire,  
Henderson,

Mr. Hemingway,  
Hill,  
Hodges,  
Hood,  
Howell,  
Hurd,  
Jones,  
Joy,  
Kanouse,  
Leetch,  
Lockwood,  
Morrison,  
Moore,  
Persons,  
Peters,  
Peterson,  
Phelps,

Mr. Piper,  
Pringle,  
Rankin,  
Stewart,  
Strong,  
Tibbits,  
Toll,  
Wade,  
Wallin,  
Warner,  
Wetherby,  
Wheeler,  
T. M. Wilson,  
Winans,  
Woodman,  
Woodward,

50

The motion to fill the blank with "eight thousand five hundred" did not prevail, by yeas and nays, as follows:

## YEAS.

Mr. Adams,  
Fallass,  
Ramsdell,  
Read,

Mr. Sessions,  
W. N. Stevens,  
A. Stevens,  
Stoddard,

Mr. Taylor,  
J. B. Wilson,  
Speaker,

11

## NAYS.

Mr. Alexander,  
Baker,  
Beamer,  
Blakeslee,  
Brownell,  
Bunce,  
Childs,  
Choate,  
Chapoton,

Mr. N. K. Green,  
Hadley,  
Haire,  
Henderson,  
Hemingway,  
Hill,  
Hodges,  
Hood,  
Howell,

Mr. Phelps,  
Piper,  
Pringle,  
Rankin,  
Shank,  
Stewart,  
Strong,  
Tibbits,  
Toll,



Cooley,	Hurd,	Wade,
Cox,	Jones,	Wallin,
Crego,	Joy,	Warner,
Cutcheon,	Kanouse,	Waterbury,
A. W. Davis,	Leetch,	Wetherby,
Ira Davis,	Lockwood,	Wheeler,
Douglas,	Miller,	T. M. Wilson,
Follett,	Morrison,	Winans,
Fowle,	Moore,	Woodman,
Gilbert,	Persons,	Woodward,
Goodrich,	Peters,	Wright,
Gregory,	Peterson,	

62

The motion to fill the blank with "eight thousand four hundred" did not prevail, by yeas and nays, as follows:

## YEAS

Mr. Adams,	Mr. Hadley,	Mr. Stewart,
Alexander,	Haire,	Stoddard,
Atwood,	Hill,	Strong,
Beamer,	Hodges,	Taylor,
Blakeslee,	Hood,	Tibbits,
Brownell,	Leetch,	Toll,
Choate,	Morrison,	Warner,
Cooley,	Moore,	T. M. Wilson,
A. W. Davis,	Peters,	J. B. Wilson,
Ira Davis,	Piper,	Woodward,
Fallass,	Rankin,	Wright,
Follett,	Read,	Speaker,
N. K. Green,		

31

## NAYS

Mr. Baker,	Mr. Howell,	Mr. Sessions,
Bunce,	Hurd,	Shank,
Childs,	Jones,	Smith,
Chapman,	Joy,	W. N. Stevens,
Cox,	Kanouse,	A. Stevens,
Crego,	Lockwood,	Wade,
Cutcheon,	Persons,	Wallin,
Fowle,	Peterson,	Waterbury,
Gilbert,	Phelps,	Wetherby,
Goodrich,	Pratt,	Wheeler,
Gregory,	Pringle,	Winans,
Henderson,	Ramsdell,	Woodman,
Hemingway,		

31

Mr. Cooley moved to fill the blank with "eight thousand three hundred and fifty."



Which motion prevailed, by yeas and nays, as follows:

YEAS.

Mr. Adams,	Mr. Hadley,	Mr. Reed,
Alexander,	Haire,	Stuart,
Beamer,	Henderson,	Strong,
Blakeslee,	Hill,	Taylor,
Brownell,	Hedges,	Tibbits,
Choate,	Hood,	Toll,
Cooley,	Hurd,	Warner,
A. W. Davis,	Leetch,	Wetherby,
Ira Davis,	Morrison,	Wheeler,
Douglas,	Moore,	T. M. Wilson,
Fallass,	Peters,	Woodward,
Follett,	Piper,	Wright,
N. K. Green,	Rankin,	Speaker,

30

NAYS.

Mr. Atwood,	Mr. Howell,	Mr. Sessions,
Baker,	Jones,	Shank,
Bunce,	Joy,	Smith,
Childs,	Kanouse,	W. N. Stevens,
Chapoton,	Lockwood,	A. Stevens,
Cox,	Miller,	Stoddard,
Crego,	Persons,	Wade,
Cutcheon,	Peterson,	Wallin,
Fowle,	Phelps,	Waterbury,
Gilbert,	Pratt,	J. B. Wilson,
Goodrich,	Pringle,	Winans,
Gregory,	Ramsdell,	Woodman,
Hemingway,		

31

Mr. Cutcheon offered the following as a substitute for the original resolution:

*Resolved*, That the bills under consideration be referred to a special committee of five, with instructions to report a bill on the basis of 10,000 population.

Mr. Strong moved to strike out the word "ten," and insert "eleven."

Mr. Taylor moved to strike out "ten," and insert "twelve."

Mr. Shank called for a division of the question.

The question being upon striking out "ten," the same did not prevail.

Mr. Howell moved to lay the whole subject on the table;

Which motion did not prevail.



The question recurring upon the adoption of the substitute, Mr. Howell demanded the yeas and nays.

The demand was seconded, and the substitute was adopted, by yeas and nays, as follows :

## YEAS.

Mr Atwood,	Mr. Henderson,	Mr. Pratt,
Baker,	Howell,	Pringle,
Bunce,	Hurd,	Sessions,
Childs,	Jones,	Shank,
Chapoton,	Joy,	Smith,
Cox,	Kanouse,	W. N. Stevens,
Crego,	Lockwood,	A. Stevens,
Cutcheon,	Miller,	Strong,
Fewle,	Moore,	Wade,
Gilbert,	Person,	Wallin,
Goodrich,	Peterson,	Waterbury,
Gregory,	Phelps,	Winans,
N. K. Green,	Piper,	Woodman, 39

## NAYS.

Mr. Adams,	Mr. Haire,	Mr. Stoddard,
Alexander,	Hemingway,	Taylor,
Beamer,	Hill,	Tibbits,
Blakeslee,	Hodges,	Toll,
Brownell,	Hood,	Warner,
Choate,	Leetch,	Wetherby,
Cooley,	Morrison,	Wheeler,
A. W. Davis,	Peters,	T. M. Wilson,
Ira Davis,	Ramsdell,	J. B. Wilson,
Douglas,	Rankin,	Woodward,
Fallass,	Read,	Wright,
Follett,	Stewart,	Speaker, 37
Hadley,		

Pending the announcement of the vote,

Mr. Joy moved that Mr. Bunce be excused from voting;

Which motion did not prevail.

Mr. Bunce then voted as recorded above.

Mr. Lockwood moved that the House adjourn;

Which motion did not prevail.

Mr. Howell, by unanimous consent, moved that House bill, entitled

A bill to amend an act entitled an act to provide for the drain-



age and reclamation of swamp lands by means of State roads and ditches, being act No. 117 of session laws of 1859,

Be recommitted to the committee on public lands, without instructions;

Which motion prevailed.

Mr. Hill asked and obtained unanimous consent, to take from the table House bill, entitled

A bill to provide for compensation for improvements made upon lands sold under legal proceedings, in certain cases.

On motion of Mr. Hill,

The bill was recommitted to the committee on judiciary.

Mr. Howell, unanimous consent being given, introduced

A bill to divide and reorganize the ninth judicial circuit, and to form an additional circuit;

Which was read a first and second time by title, and referred to the committee on the judiciary.

On motion of Mr. Baker,

The House adjourned till to-morrow morning at 10 o'clock."

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*Lansing, Thursday, February 14, 1861.*

The House met pursuant to adjournment, and was called to order by the Speaker.

Prayer by the Rev. Mr. Potter.

Roll called : quorum present.

Mr. Cutcheon, by unanimous consent, moved that the committee on State affairs be appointed as the select committee on the apportionment of the State into Representative districts ;

Which was withdrawn.

The Speaker then announced as the special committee on apportionment, Messrs. Cutcheon, Sessions Hill, Wetherby and Atwood.

Also,

Special joint committee on amendments to the Constitution, Messrs. Lockwood, Howell and Pringle.



PETITIONS PRESENTED.

By Mr. Cooley: petition of Paine Chapel and 52 others, for a county superintendent of schools;

Laid on the table.

By Mr. Fowle: petition of Dr. A. B. Strong and 35 others, of Hillsdale county, praying for the enactment of a stringent usury law;

Also, petition of A. M. R. Fitzsimmons and 34 others, for the same purpose;

Also, petition of Geo. W. Holcomb and 28 others, for the same purpose;

Laid on the table.

By Mr. Waterbury: petition of R. Kelly and 38 others, asking for a law to provide for a county superintendent of schools;

Also, remonstrance of Eli W. Moore, A. Raymond, and 45 others, citizens of Washtenaw county, against the repeal of the so called personal liberty laws;

Laid on the table.

By Mr. Goodrich: petition of E. E. Beebe and 85 others, asking for the laying out of a State road from Lansing, through Ingham and Eaton counties, and an appropriation of swamp lands thereon;

Also petition of Robert Foster and 181 others, for the same purpose;

Referred to the committee on public lands.

By Mr. Rankin: petition of Thurston Simmons, Geo. B. Runyan, and 82 others, citizens of Genesee county, asking for an appropriation of non-resident highway taxes for the improvement of a road from the village of Gaines to the village of Flushing, in said county;

Referred to the committee on roads and bridges.

By Mr. Wade: petition of C. A. Crary, L. F. Pickett, and 110 others, of Jackson county, asking for the passage of a stringent usury law;

Referred to the committee on judiciary.

By Mr. A. L. Green: petition of Benj. Evans, H. B. Meech,



and 40 others, citizens of Eaton county, asking for an appropriation of non-resident highway taxes upon the road leading from Bellevue, in Eaton county, to Ionia, in Ionia county;

Referred to the committee on roads and bridges.

By Mr. Shank: remonstrance of John Birney, James Kelly, and 64 others, against the division of counties;

Referred to the committee on towns and counties.

By Mr. Shank: petition of J. W. Phelps, Israel Chapman, and 100 others, for an appropriation of swamp lands in Algonquin, Ingham county, for opening a road in said township;

Referred to the committee on public lands.

By Mr. Ramsdell: petition of P. J. Averill, Morgan Bates, O. A. Stevens, and 180 others, asking for a State road from Cheboygan to Elk Rapids;

Referred to the committee on public lands.

By Mr. Ramsdell: petition of H. O. Rose, A. Fox, Antoine Noah-to-shing, and 70 others, for the organization of Leelanaw county;

Referred to the committee on towns and counties.

By Mr. Kelsey; petition of S. R. Glover, S. M. Foot, G. A. Burnett, and 20 others, for an act providing for a county superintendent of schools, and one township inspector;

Laid on the table.

By Mr. Fallass: petition of L. Hunt, E. J. Booth, and 75 others, for a banking law similar to that of Ohio and Indiana;

Referred to the committee on banks and incorporations.

#### REPORTS OF STANDING COMMITTEES.

By the committee on banks and incorporations:

The committee on banks and incorporations, to whom was referred

A bill to amend an act to incorporate the city of Ann Arbor, approved April 4, 1851;

Also, the petition of Silas Pratt and others, residents of the village of Ann Arbor, and certain proposed additions to the city of Ann Arbor, asking to be annexed to said city,



Respectfully report that they have had the same under consideration, and report the same back to the House with certain amendments proposed to the said bill, and recommend that when so amended the bill do pass, and ask to be discharged from the further consideration thereof.

EUGENE PRINGLE, *Chairman.*

Report accepted and committee discharged.

On motion of Mr. Childs,

The House concurred in the amendments made by the committee.

On motion of Mr. Gregory,

The bill was placed on the order of third reading.

By the committee on banks and incorporations to whom was referred

A bill to change the name of the First Congregational Society of the village of Ionia, to "First Presbyterian Society of Ionia."

Respectfully report that they have had the same under consideration, and return the same without amendment to the House, with a recommendation that it do pass, and ask to be discharged from the further consideration thereof,

EUGENE PRINGLE, *Chairman.*

Report accepted and committee discharged.

On motion of Mr. Pringle,

The bill was placed the order of third reading.

By the committee on banks and incorporations:

The committee on banks and incorporations, to whom was referred

A bill to amend the charter of the village of Hillsdale,

Respectfully report that they have had the same under consideration, and return the bill to the House, with certain amendments herewith proposed, designed to accomplish the objects of the friends of the bill, without repealing all but two sections of the original charter, and recommend that when so amended,



the bill do pass, and ask to be discharged from the further consideration of the same.

EUGENE PRINGLE, *Chairman.*

Report accepted and committee discharged.

On motion of Mr. Adams,

The House concurred in the amendments made by the committee.

On motion of Mr. Pringle,

The bill was placed on the order of third reading.

By the committee on banks and incorporations:

The committee on banks and incorporations, to whom was referred

A bill to provide for the superintendence and care of the Bay City and Tuscola plank road,

Respectfully report that they have had the same under consideration, and return the bill to the House without amendment with a recommendation that it do pass, and ask to be discharged from the further consideration thereof.

E. PRINGLE, *Chairman.*

Report accepted and committee discharged.

On motion of Mr. Pringle,

The bill was placed on the order of third reading.

By the committee on banks and incorporations:

The committee on banks and incorporations to whom was referred the petition of George Martin and 120 others, praying an extension of time for the Grand Rapids and Indiana R. R. Co.; also the petition of Charles Noble and 375 others, tax payers of Wayne county, for a reduction of the number of supervisors in the city of Detroit,

Respectfully return the same to the House, believing that inasmuch as action has been had upon the subjects mentioned, no further consideration will be necessary, and ask to be discharged from further consideration of the same.

EUGENE PRINGLE, *Chairman.*

Report accepted and committee discharged.



On motion of Mr. Lockwood,

The petitions were laid on the table.

By the committee on banks and incorporations :

The committee on banks and incorporations, to whom was referred

A bill to authorize religious, eleemosynary and other corporations not municipal, to sell, convey, exchange or mortgage real estate for certain purposes,

Respectfully report that they have had the same under consideration, that they approve the object of the bill, it being intended thereby to empower corporations to sell, mortgage, &c, without obtaining an enabling act in every instance, thus relieving the Legislature from the consideration of such subjects, and at the same time avoiding all question in regard to the constitutionality of the special legislation almost daily demanded. The committee therefore return the said bill to the House without amendment, recommend that it do pass, and ask to be discharged from the further consideration of the subject.

EUGENE PRINGLE, *Chairman.*

Report accepted and committee discharged.

The bill was ordered printed, referred to the committee of the whole, and placed on the general order.

By the committee on public lands :

The committee on public lands, to whom was referred

A bill to amend section 1, of subdivision 2d, of an act to provide for the drainage and reclamation of swamp lands by means of State roads and ditches,

Have had the same under consideration and report it back without amendment, and recommend that the bill do pass.

All of which is respectfully submitted.

J. C. WATERBURY, *Chairman.*

Report accepted and committee discharged.

On motion of Mr. Taylor,

The bill was placed on the order of third reading.

By the judiciary committee :



The committee on the judiciary, to whom was referred House bill, entitled

A bill to amend certain sections of an act entitled an act to establish a House of Correction for juvenile offenders, approved February 10th, 1855, as amended by an act entitled an act to amend certain sections of an act entitled an act to establish a House of Correction for juvenile offenders, approved February ninth, eighteen hundred and fifty-five, approved February 10th, 1857, and to amend section two of said last mentioned act;

Respectfully report that they have had the said bill under consideration, and return the same to the House with the accompanying amendments, recommending that the amendments be concurred in, and that it do pass, and ask to be discharged from the further consideration of the subject.

THOS. W. LOCKWOOD, *Chairman*.

Report accepted and committee discharged.

On motion of Mr. Childs,

The House concurred in the amendments made by the committee.

Mr. Lockwood moved that the bill be placed on the order of third reading;

Which motion did not prevail.

On motion of Mr. Lockwood,

The bill was made the special order for to-morrow afternoon, at 2 o'clock.

By the committee on militia:

The committee on militia, to whom was referred back

A bill to provide a military fund and force,

Beg leave respectfully to report, that they have had the same under consideration, have made some amendments, and recommend that the bill pass as amended, and ask to be discharged from the further consideration of the same.

A. W. DAVIS, *Chairman*.

Report accepted and committee discharged.

On motion of Mr. Waterbury,



The House concurred in the amendments made by the committee.

Mr. Phelps moved that the bill be made the special order for this evening at 7½ o'clock.

Mr. W. N. Stevens demanded the yeas and nays.

The demand was seconded, and the motion prevailed, by yeas and nays as follows :

#### YEAS.

Mr. Adams,	Mr. Hemingway,	Mr. Read,
Alexander,	Hill,	Smith,
Blakeslee,	Hodges,	W. N. Stevens,
Bunce,	Howell,	A. Stevens,
Childs,	Kelsey,	Stoddard,
Chapoton,	Lockwood,	Taylor,
Crego,	Morrison,	Tibbits,
Cutcheon,	Moore,	Wade,
A. W. Davis,	Persons,	Wallin,
Ira Davis,	Peterson,	Waterbury,
Follett,	Phelps,	J. B. Wilson,
Foote,	Piper,	Woodman,
Fowle,	Pratt,	Woodward,
Goodrich,	Pringle,	Wright,
A. L. Green,	Ramsdell,	Speaker,
N. K. Green,	Rankin,	

47

#### NAYS.

Mr. Atwood,	Mr. Haire,	Mr. Sessions,
Beamer,	Henderson,	Shank,
Brownell,	Hood,	Stewart,
Choate,	Hurd,	Strong,
Cooley,	Jones,	Toll,
Douglas,	Joy,	Warner,
Fallass,	Leetch,	Wetherby,
Gilbert,	Miller,	Wheeler,
Gregory,	Peters,	T. M. Wilson,
Hadley,		

28

By the committee on militia:

The committee on militia, to whom was referred the petition of A. C. Winter and sixty others, asking that the military of this State be put on a war footing, and that five thousand men be put in readiness for immediate action, beg leave to report that they have had the same under consideration, and find that the subject matter of the petition has been embraced in a pre-



vious report of the committee on militia, they therefore report the petition back to the House, and ask to be discharged from the further consideration of the same.

A. W. DAVIS, *Chairman.*

Report accepted and committee discharged..

On motion of Mr. Tibbits,

The petition was laid on the table.

By the committee on roads and bridges:

The committee on roads and bridges, to whom was referred

A bill to provide for the preservation of bridges in certain cases,

Have had the same under consideration, and report the same back without amendment and recommend that it do pass, and ask to be discharged from the further consideration of the same.

N. K. GREEN, *Chairman.*

Report accepted and committee discharged.

The bill was ordered printed, referred to the committee of the whole, and placed on the general order.

By the committee on engrossment and enrollment:

The committee on engrossment and enrollment, report as correctly enrolled, signed and presented to the Governor, the following entitled bills:

A bill attaching certain territory to the township of Geneva in Tuscola county;

Also,

A bill to amend an act to amend certain sections of an act to incorporate the city of Flint, approved February 18, 1855, approved February 2, 1857.

L. P. ALEXANDER, *Acting Chairman.*

Report accepted.

By the committee on public lands:

The committee on public lands, to whom was recommitted House bill No. 54, entitled

A bill to amend the act to provide for the drainage and



reclamation of swamp lands, by means of roads and ditches, respectfully report.

Though the act of Congress, which was originally made solely for the State of Arkansas, did contemplate in its original conception, only the drainage, diking and protecting lands in Arkansas; it is clear that devoting them solely to drainage by the State, was not held as a *condition* upon which the grant was made. The State did *not* at any time, by any act that can, by any fair construction, be so considered, enter into any express or implied *engagement*, to devote these lands to any particular purpose, any farther than the State should deem *necessary* for drainage. The whole matter is left with the legislature, in its discretion, to devote such part as it may deem proper to purposes of drainage, and to effect that drainage by means of roads with ditches, or by ditches alone, as it may deem most expedient, and for the best interest of the people of the State. While we are bound in good faith to carry out the spirit of the grant, we are not restricted in the means we may employ in so doing; nor bound as to the quantity we shall devote to that purpose. The grant is absolute and unconditional, so far as the title is concerned.

No one will contend that should the State neglect and refuse to devote a single acre of the land to drainage, the title of the State would be in the least impaired. No provision was made for a forfeiture of title in case of such neglect, and the general government cannot now set up any such claim. Whether such neglect on the part of the State would be just and proper, will not be here considered; but that the compliance or non-compliance with the spirit of the grant has no effect as to the title to the lands is quite clear.

The whole matter is now left with the State to say how much shall be *necessary* for mere drainage, and it is by no means clear that there is any obligation, legally or morally, on our part to devote these lands in any case *solely* to drainage. If we can, on the one hand, construct a ditch *mainly* for drainage and *incidentally*, by the earth thrown out on one side and properly graded, make



a road; or, on the other hand, build a work *mainly* for a road and incidentally, by means of side ditches, drain the land, we are at perfect liberty both by the law of Congress, of common sense, and our highest interest to do so. In all cases where a demand for either a road or a ditch may be the paramount object, by the construction of either, both objects will be accomplished. No one doubts the feasibility of a road at the side of a large ditch, while any one who has ever seen turnpikes ditched and thrown up through low lands and swamps, knows that nothing more is necessary, in a large portion of swampy, country to make the land arable and of the most valuable kind

Whoever has, twenty-five years ago, traveled through that part of Ohio between the Sandusky and Maumee rivers, called the Black Swamp, and will now visit that region, will see a practical illustration of the value of good roads for drainage purposes. From being an uninhabited and almost impenetrable swamp, so level as to render it difficult to trace a curveat, covered half the year with water, and only fit to grow muskrats, frogs and musquitos, it has, by a single turnpike road, been converted into the very garden of Ohio—the most fertile, highly cultivated and productive portion of the State. Thus it is with our own swamp lands in a few years after such roads are completed; and while by this we effectually drain the lands, we open them to the ingress and egress of the settler, and make them inviting and inhabitable. Of what use can it be to drain these lands, *only*, if we don't provide some means for the emigrant to get to them? This region is very different from what was the condition of the older part of the State when it was new. The latter was mainly high, dry and rolling, and the forests were mostly thin and easily removed, while the northern portion is low, wet, swampy, and densely covered with heavy timber. It has been justly said that for our growth and prosperity we want *men*; we want settlers on our lands. These and the products of their toil are what add to our strength, wealth and influence.



To procure them, and to enable them to prosper, we must make the region in which we would plant them, not only inviting in the first instance, but tolerable to them after they have gone there.

Our northern regions, at present, are neither the one nor the other. If our Revolutionary Fathers, or those of 1812, deserved *pensions* at the hands of Government for their courage, perseverance and self-sacrifice, the hardy pioneer in these forbidding forests deserves much more. He evinces no less courage and perseverance, and undergoes no less hardships, and fights a no less blood-thirsty enemy ; and that, too, by millions. How are we to make this country thus inviting and tolerable ?

It is not by empty puffs and newspaper blarney, about our magnificent forests and rich soil. Such has been tried, has had its day, and lost its force.

The rich soil, the pure air, the fine views and ease of beginning for poor men and those of moderate means, to be found west of us, have too many attractions and too many advantages for the husbandman to allow of his being drawn off into our cold, damp northern wilderness, inaccessible by roads and interspersed with swamps, marshes and morasses. Still more; the people *now there* are only induced to remain through the employment given them by reason of the lumber business, which is only temporary, and will soon cease by exhaustion of the timber.

If we will ever have that region settled, we must do more than merely to grant the right to build their roads. It is vain to offer the settler lands, even free of charge, as an inducement to try to live on it; for if he has sufficient means to open a road to his lands, those means will carry him farther west, where he will find cheap lands, accessible without artificial roads, with a climate and soil far superior to ours.

It is, then, only by *making* such roads as will invite emigration, that we can induce more into the country, and keep those who are there. The policy of granting the lands, freely but surely to the purpose of such roads as commenced two years



since, has thus far proved a wise one, and as far as the plans of the projectors have been carried out, has proved very satisfactory and successful. We are therefore satisfied to continue the system, on a much more extensive scale.

It is certainly an object to the State to have these lands in the hands of persons that will pay taxes on them ; and there are large tracts that no man would take for the taxes until roads are built to them. If we can get the market value for the land put into roads, thus enhancing their value for taxation along the routes, while at the same time the lands become private property, and taxable, it is certainly an object to do so.

The idea that these lands can be sold for cash, and thus create a fund to be used for drainage, or for any other purpose, is most chimerical. The sale of swamp lands made, as will be seen by examining the reports, have been mostly in the older and better settled parts of the State, where no large tracts of such lands exist. These have gradually been exhausted, and as the purchaser has been forced back into the wilderness, the sales have been less and less. In 1858 there were swamp lands sold to the amount of \$111,325, in 1859, \$93,068 02, in 1860, \$27,883, and the latter has consisted mostly of pine lands along the streams, except the amount of \$7,774. So that from \$111,325 three years ago, it has dwindled down to the mere pittance of less than \$8,000, and yet there are over 5,000,000 of acres left. We venture the prediction that unless we open up the country by roads, the sales in the next five years will not amount to \$10,000,—not enough to pay the salaries of the State land officers. Yet with all these facts before them, there are those who talk about reserving them as a fund for future use. If the policy of such economists is to rule, it *will* be a fund, if at all, for *future* use ; so far in the future that our great grandchildren will look forward with doubt as to when the fund will be realized. The whole matter of swamp land sales is at this time at a dead stand still. The income being too small to pay current expences of the land office, except from payments on former sales, and for tax titles.



While the land was practically withheld from market by the \$5 act, settlers went into the woods in several of the northern counties where they now ask for swamp land roads, enticed there by the reduced price of the government lands, and after three years of struggle with the hardships and privations of the wilderness, have got fine improvements and considerable surplus of produce. But now they find their produce nearly valueless since it is either impossible to get it to market for want of roads, or the transportation is so expensive for the same reason, that it is of little or no value. They appeal to the State to aid them by the measure we advocate.

When it is considered that it costs over \$50 per mile to clear a road through these woods, to say nothing of grubbing, bridging or causewaying to make them at all passable, some idea can be formed of the condition and needs of the settlers who have boldly pushed five, ten, or fifteen miles into the forest, and settled down to subdue the wilderness and make farms. You will give a man forty acres of land on condition of actual occupancy and improvement, yet if it be five miles off it will cost him the price of eight such tracts to get to it with a team and empty wagon.

But it is said we are willing to aid the settlers, and promote settlement, if we can be sure the land will be appropriated to this object. We do not propose to have the State part with an acre until the value thereof has been expended as provided by the Board of Control. You ask of us the expenditure of our means on the roads, before we can have the lands. In return, is it more than fair that we should know for a certainty that we can have the lands we select when our work is done?

Why not allow the hardy and honest pioneer in the wilderness as good a chance to know what he is to have and be as liberal with him as with a large railroad corporation? Of what use will it be to run the railroad lines into the woods, unless you settle these woods and people the country?

While we should place in the hands of our State Board ample authority to devote any necessary amount of lands to mere drainage and incidental road construction, we can see no reason



why we should allow the settlers to be blockaded for want of roads that would, to a great extent, accomplish all necessary drainage; or why the energies of present settlers should be crippled and paralyzed by the presence of these lands along the line through which their roads must run.

The committee, believing that the law of 1859, was a step in the right direction, and being unwilling to undo what was, as we believe, wisely done by our predecessors; have so amended that law as to make it a basis upon which a uniform system of construction can be hereafter conducted; while it provides, as far as practicable, for the relief of the State and the contractor on existing contracts.

Under the system as provided in this bill, no further indebtedness of the State, payable in cash, can be contracted; while it is believed there is sufficient safeguard against any possible loss on the part of the State. The roads must be constructed and completed, before any title to the lands is relinquished by the State; while the provision for allowing the contractors to know for what lands they are doing the work, will induce men to advance funds for the purpose, who, under other circumstances, could never be induced to do so.

The committee have made some amendments to the bill and report it back with the recommendation that when so amended, it be passed.

Respectfully submitted.

B. L. HILL, *for the Committee.*

Report accepted and committee discharged.

On motion of Mr. W. N. Stevens,

The House concurred in the amendments made by the committee.

On motion of Mr. Howell,

The bill was made the special order for this afternoon, at 2 o'clock.

#### MOTIONS, RESOLUTIONS AND NOTICES.

Mr. Wheeler offered the following:



**Resolved,** That the special committee, appointed to report a bill to apportion the representation of this State, upon the basis of 10,000 people for each representative, be further instructed so to make such apportionment as not to give any county a Representative unless it has a moiety of such ration, except in cases where it may be required by the Constitution.

Mr. Hemingway moved to strike out all after the word "apportionment," and insert in lieu thereof the following: "as to give to each organized county in the State one Representative."

On motion of Mr. Sessions,

The resolution was laid on the table.

Mr. Tibbits gave notice that on some future day he would ask leave to introduce

A bill authorizing the supervisors of the townships in the county of Wayne to equalize their own assessment rolls;

Also,

A bill to divide the county of Wayne, and to organize a new county therefrom.

Mr. Childs moved that the committee of the whole be discharged from the further consideration of House bill No. 102, entitled

A bill to provide for county superintendents of schools, and to amend and repeal certain sections of the primary school laws, and to repeal sections 74, 85, 86, 88, 89, and 90 of chapter 78, of compiled laws,

Which motion did not prevail.

Mr. Fowle gave notice that on some future day he would ask leave to introduce

A bill to provide for laying out and establishing highways on lines dividing this from other States.

Also,

A bill to re-establish and preserve the section corners and quarter posts of the United States survey in this State.

Mr. Moore offered the following :



*Resolved*, That the daily sessions of this House shall commence at nine o'clock in the morning.

Mr. Sessions offered the following as a substitute :

*Resolved*, That from and after to-day the daily sessions of the House commence at 9 o'clock A. M., and that the time of speaking be limited to fifteen minutes.

Mr. Shank moved to amend the substitute by striking out the word "nine" and insert "half-past eight;"

Which motion did not prevail.

Mr. Childs called for a division of the question.

The question being upon the adoption of the first clause of the resolution, relative to the daily sessions of the House,

Mr. Morrison demanded the yeas and nays.

The demand was seconded, and the same was adopted, by yeas and nays, as follows:

#### YEAS.

Mr. Alexander,  
Atwood,  
Blakeslee,  
Bunce,  
Childs,  
Cooley,  
Cox,  
Crego,  
Outoheon,  
A. W. Davis,  
Ira Davis,  
Fallass,  
Follett,  
Foote,  
Gilbert,

Mr. Goodrich,  
Gregory,  
A. L. Green,  
N. K. Green,  
Haire,  
Henderson,  
Hemingway,  
Hodges,  
Hurd,  
Miller,  
Moore,  
Persons,  
Piper,  
Pringle,

Mr. Ramsdell,  
Read,  
Sessions,  
W. N. Stevens,  
Stoddard,  
Tibbits,  
Wallin,  
Wetherby,  
Wheeler,  
T. M. Wilson,  
J. B. Wilson,  
Woodman,  
Woodward,  
Speaker,

43

#### NAYS.

Mr. Beamer,  
Brownell,  
Choate,  
Chapoton,  
Douglas,  
Hadley,  
Hill,  
Hood,  
Howell,

Mr. Jones,  
Joy,  
Kanouse,  
Kelsey,  
Leetch, §  
Lockwood,  
Morrison,  
Peters,  
Pratt,

Mr. Rankin,  
Shank,  
Stewart,  
Strong,  
Toll,  
Wade,  
Waterbury,  
Winans,  
Wright,

27



The question recurring upon the adoption of the second clause of the resolution, relative to debate,

Mr. Howell moved the following as a substitute: "and that no member shall speak on any question;"

Which substitute was not adopted.

Mr. Henderson then moved to strike out "fifteen," and insert "ten;"

Mr. Howell called for a division of the question.

The question being on striking out "fifteen," the motion did not prevail.

Mr. Pringle moved to add to the resolution the following words: "on any one question;"

Which amendment was accepted by the mover of the original resolution.

The question recurring upon the adoption of the clause as amended, the same was adopted.

Mr. Howell rose to a point of order,—that the resolution being in effect an amendment to a standing rule of the House, required a vote of two-thirds of all the members elect to adopt the same.

The Speaker decided the point not well taken.

Mr. Howell appealed from the decision of the chair;

The question being upon sustaining the decision of the chair,  
Pending which,

On motion of Mr. Ramsdell,

The appeal was laid on the table.

Mr. Rankin gave notice that on some future day he would ask leave to introduce

A bill appropriating certain non-resident highway taxes for the improvement of a road from the village of Gaines, to the village of Flushing, in the county of Genesee.

Mr. Rankin offered the following :

*Resolved*, That the report of the committee on mines and minerals, be published in the documents of this House;

Which was adopted.



Mr. Woodman gave notice that on some future day he would ask leave to introduce

A bill to provide for the improvement of the State road from Paw Paw to Allegan.

Mr. Howell, unanimous consent being given, introduced

A bill to amend an act entitled an act to provide for the laying out and establishing a certain State road in the counties of Newaygo, Lake, Wexford and Grand Traverse, approved Feb. 4, 1858, by adding thereto two new sections.

The bill was read a first and second time by its title, and referred to the committee on public lands.

Mr. Howell, unanimous consent being given, introduced

A bill to authorize the construction of a road bed and bridge across Muskegon Lake, in the county of Muskegon, on the line of the Allegan, Muskegon and Traverse Bay State road.

The bill was read a first and second time by its title, and referred to the committee on banks and incorporations.

Mr. Hurd, previous notice having been given, and leave being granted, introduced

A bill to amend section 818 of the compiled laws, to extend the time for completing tax rolls in the several townships.

The bill was read a first and second time by its title, and referred to the committee on judiciary.

Mr. Wallin, unanimous consent being given, introduced

A bill to legalize a mortgage executed by the trustees of the first Congregational Society of Newark.

The bill was read a first and second time by its title, and referred to the committee on banks and incorporations.

Mr. Pratt, previous notice having been given, and leave being granted, introduced

A bill to provide for laying out a State road from Greenbush, in Clinton county, to St. Charles, in Saginaw county.

The bill was read a first and second time by its title, and referred to the committee on public lands.

Mr. Wright, previous notice having been given, and leave being granted, introduced



A bill to establish a State road on Beaver Island, in Manitou county, and granting an appropriation of swamp lands to aid in constructing the same.

The bill was read a first and second time by its title, and referred to the committee on public lands.

Mr. Stoddard, previous notice having been given, and leave being granted, introduced

A bill to repeal act No. 27, of the session laws of 1858, being an act entitled an act to aid in the improvement of a certain State road.

The bill was read a first and second time by its title, and referred to the committee on roads and bridges.

Mr. Douglas, previous notice having been given, and leave being granted, introduced

A bill to organize the township of Hancock, in Houghton county.

The bill was read a first and second time by its title, and referred to the committee on towns and counties.

Mr. Toll, previous notice having been given, and leave being granted, introduced

A bill to lay out and construct a State road from East Moran Bay, in the county of Mackinac, to Milcocier Bay, in said county, donating swamp lands to aid in the construction thereof.

The bill was read a first and second time by its title, and referred to the committee on public lands.

Mr. Pringle offered the following amendment to Rule 10 of the House : Add thereto the following : " And no member shall speak more than fifteen minutes at one time upon any one question ;"

Laid on the table for one day under the rules.

Mr. A. W. Davis offered the following :

*Resolved*, That the practice of smoking in this Hall is ungentlemanly, prejudicial to the health of members, and disgusting to those who do not indulge in the filthy and disgusting habit;  
Which was unanimously adopted.



Mr. Pratt gave notice that on some future day he would ask leave to introduce

A bill to provide for laying out a State road from Muskegon, in Muskegon county, to intersect the East Saginaw and Sauble State road, in Saginaw county.

MESSAGE FROM THE GOVERNOR.

By unanimous consent, the Speaker announced the following:

EXECUTIVE OFFICE,  
*Lansing, February 14, 1861.* }

*To the House of Representatives:*

I herewith transmit to the Legislature, joint resolutions of the States of New York and Indiana, for the appointment of commissioners from those States, to meet commissioners from other States in the city of Washington, on the invitation of the Legislature of Virginia.

Being aware of the previous action of the Legislature upon this subject, I have hesitated before further calling attention to it; but it has seemed to me that the circumstances affecting the propriety of sending the commissioners, are so far changed as to justify a further consideration of the question. It is, perhaps, also proper for me to say that I have communications from some of the delegation in Congress, indicating, that while they have entirely approved of the previous action of the Legislature, they think that Michigan might now be represented in the so-called Peace Convention, with credit to herself, and benefit to the whole country. It is also said, that if commissioners can arrive in Washington by the 20th instant, they will be in time to take part in the deliberations of the Convention.

Without any expression of my own opinion upon this delicate question, I submit the whole question to the wisdom and patriotism of the Legislature, in which my confidence is perfect.

AUSTIN BLAIR.

Mr. Morrison moved that the message, with the accompanying documents, be referred to a special committee of five;

Which motion prevailed.



The documents accompanying the communication were ordered printed in the journal.

The following are the accompanying documents:

EXECUTIVE DEPARTMENT, }  
*Albany, February 6, 1861.* }

SIR:—In compliance with the request therein contained, I transmit herewith a copy of the joint resolutions of the Legislature, appointing commissioners on the part of this State to meet commissioners from other States, in the city of Washington, on the invitation of the Legislature of Virginia.

I am, with high regard,

Your Excellency's ob't serv't,

EDWIN D. MORGAN.

His Excellency, AUSTIN BLAIR,

*Governor of the State of Michigan, Lansing.*

**CONCURRENT RESOLUTIONS** appointing Commissioners from this State to meet Commissioners from other States at Washington, on invitation of Virginia.

*Whereas*, The State of Virginia, by resolutions of her General Assembly, passed the 19th inst., has invited such of the slaveholding and non-slaveholding States as are willing to unite with her, to meet at Washington, on the 4th of February next, to consider, and, if practicable, agree on some suitable adjustment of our national difficulties; *And whereas*, the people of New York, while they hold the opinion that the Constitution of the United States, as it is, contains all needful guarantees for the rights of the States, are nevertheless ready, at all times, to confer with their brethren upon all alleged grievances, and to do all that can justly be required of them, to allay discontent; therefore

*Resolved*, That David Dudley Field, Wm. Curtis Noyes, Jas. S. Wadsworth, Jas. C. Smith, Amaziah B. James, Erastus Corning, Addison Gardiner, Greene C. Bronson, Wm. E. Dodge, Ex-Governor John A. King and Major General John E. Wool, be and are hereby appointed commissioners, on the part of this State, to meet commissioners from other States, in the city of



Washington, on the 4th day of February next, or so soon thereafter as commissioners shall be appointed by a majority of the States of the Union, to confer with them upon the complaints of any part of the country, and to suggest such remedies therefor as to them shall seem fit and proper; but the said commissioners shall at all times be subject to the control of this Legislature, and shall cast five votes to be determined by a majority of their number.

*Resolved*, That in thus acceding to the request of Virginia, it is not to be understood that this Legislature approves of the propositions submitted by the General Assembly of that State, or concedes the propriety of their adoption by the proposed convention. But while adhering to the position she has heretofore occupied, New York will not reject an invitation to a conference, which, by bringing together the men of both sections, holds out the possibility of an honorable settlement of our national difficulties, and the restoration of peace and harmony to the country.

*Resolved*, That the Governor be requested to transmit a copy of the foregoing resolutions to the Executives of the several States, and also to the President of the United States, and to inform the commissioners, without delay, of their appointment.

*Resolved*, That the foregoing resolutions be transmitted to the Honorable Senate, with a request that they concur therein.

STATE OF NEW YORK, IN ASSEMBLY, February 1, 1861.

The foregoing preamble and resolutions were duly passed.

By Order :

H. A. RISLEY, *Clerk*.

STATE OF NEW YORK, IN SENATE, FEBRUARY 5, 1861.

The foregoing preamble and resolutions were duly passed.

By ORDER,

JAS. TERWILLIGER, CLERK.

EXECUTIVE DEPARTMENT,  
*Indianapolis, January 31st, 1861.* }

SIR—In obedience to the request of the legislature of this State, I transmit herewith a copy of the concurrent resolutions of that body, adopted this day, instructing the Governor to appoint five Commissioners to represent the State of Indiana, in



the Convention proposed by the State of Virginia, to meet at the city of Washington. I would further inform you, that in pursuance of said resolutions, I have appointed the Hon. C. B. Smith, Hon. P. A. Hackleman, Hon. Godlove S. Orth, Hon. T. C. Slaughter, and Hon. E. W. H. Ellis, as such Commissioners.

I have the honor to be,

Your Excellency's ob't servant,

OLIVER P. MORTON,

*Governor.*

His Excellency, AUSTIN BLAIR,

*Governor of the State of Michigan.*

#### JOINT RESOLUTIONS of the Indiana State Legislature.

*Whereas*, The State of Virginia has transmitted to this State resolutions adopted by the General Assembly, inviting all such States as are willing to unite with her in an earnest effort to adjust the present unhappy controversies in the spirit in which the Constitution was originally formed, to send Commissioners to meet those appointed by that State in Convention, to be held in the City of Washington, on the 4th day of February next, to consider, and, if possible, to agree upon some suitable adjustment;

*And whereas*, Some of the States to which invitations were extended by the State of Virginia have already responded, and appointed their Commissioners; therefore

*Resolved by the General Assembly of the State of Indiana*, That we accept the invitation of the State of Virginia in the true spirit of fraternal feeling, and that the Governor of this State is hereby directed and empowered to appoint five commissioners to meet the commissioners appointed by our sister States, to consult upon the unhappy differences now dividing the country; but the said commissioners shall take no action that will commit this State, until nineteen of the States of the Union are represented, and without first having communicated with this General Assembly in regard to such action, and having received the authority of the same so to commit the State.

*Resolved*, That while we are not prepared to assent to the terms



of settlement proposed by the State of Virginia, and are fully satisfied that the Constitution, if fairly interpreted and obeyed, contains ample provisions within itself for the correction of the evils complained of; still, with a disposition to reciprocate the patriotic desire of the State of Virginia, and to have harmoniously adjusted all differences existing between the States of the Union, this General Assembly is induced to respond to the invitation of Virginia by the appointment of commissioners herein provided for, but as the time fixed for the convention to assemble is so near at hand, that the State cannot be represented, it is expected that the commissioners on behalf of this State will insist that the convention adjourn until such time as the States shall have an opportunity of being represented.

*Resolved*, That His Excellency the Governor is requested to transmit copies of these resolutions to the Executives of each of the States of the Union.

CYRUS M. ALLEN,

*Speaker of the House of Representatives.*

JNO. R. CRAVENS,

*President of the Senate.*

The Speaker announced as the special committee upon the subject of commissioners, Messrs. Morrison, Joy, T. M. Wilson, Haire and Douglas.

On motion of Mr. Morrison,

The House took a recess until 2 o'clock this afternoon.

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AFTERNOON SESSION.

2 o'clock P. M.

House met and was called to order by the Speaker.

Roll called: quorum present.

SPECIAL ORDER OF THE DAY.

Being the consideration of House bill, entitled

A bill to amend an act entitled an act to provide for the drainage and reclamation of swamp lands by means of State roads and ditches, being act No. 117, of the session laws of 1859.



Report accepted, and committee discharged.

The joint resolution was read a first and second time by its title, and

On motion of Mr. Morrison,

The rules were suspended, and the joint resolution put upon its final passage.

Pending the third reading of the joint resolution,

Mr. Pringle offered the following substitute therefor :

*Whereas, The General Assembly of the State of Virginia, on the 19th day of January, 1861, passed certain resolutions inviting "all such States as are willing to unite with Virginia in an earnest effort to adjust the present unhappy controversies, in the spirit in which the Constitution was originally formed, and consistently with its principles, so as to afford the people of the slaveholding States adequate guarantees for the security of their rights," to appoint commissioners to meet others at Washington ;*

*And whereas, The terms of such invitation seemed to contemplate new guarantees, in addition to those of the Constitution, for the institution of slavery, and hence were not such as in the opinion of the Legislature of Michigan, rendered it proper to accept such invitation in the first instance ; yet, inasmuch as a majority of the States, the prevailing sentiments of which are those of the people of Michigan, have appointed and sent such commissioners to the meeting at Washington, and it is understood that such States desire the action now taken ; therefore, be it*

*Resolved by the Senate and House of Representatives of the State of Michigan, That the Governor of this State be and he is hereby authorized and requested to appoint and duly commission five able and firm men, representing the popular sentiment of this State, to meet the said commissioners assembled at the invitation of Virginia, and to take part in the deliberations of such meeting.*

*Resolved further, That the said commissioners, so to be appointed and commissioned, be and they are hereby instructed*



not to concede or agree to any compromise or amendment of the Constitution which shall recognize the right of property in man, or give any right of transit through the free States of masters with their slaves, or authorize the extension of slavery to territory now free, and that such commissioners shall be at all times subject to further instructions from this Legislature.

The question being upon the adoption of the substitute,

Mr. Blakeslee demanded the yeas and nays.

The demand was seconded.

Mr. Ramsdell moved to amend the substitute by striking out the words, "five able and firm men, representing the popular sentiment of this State;"

Which amendment was not adopted.

The question recurring upon the adoption of the substitute, Mr. Shank demanded the previous question.

The demand was seconded, and the main question ordered.

The substitute was adopted, by yeas and nays, as follows:

#### YEAS.

Mr. Adams,  
Baker,  
Blakeslee,  
Childs,  
Cox,  
Crego,  
Cutcheon,  
A. W. Davis,  
Fallass,  
Follett,  
Foots,  
Fowle,  
Goodrich,  
A. L. Green,  
N. K. Green,

Mr. Henderson,  
Hodges,  
Hood,  
Howell,  
Hurd,  
Jones,  
Kanouse,  
Miller,  
Moore,  
Persons,  
Peterson,  
Piper,  
Pratt,  
Pringle,

Mr. Ramsdell,  
Rankin,  
Read,  
Sessions,  
W. N. Stevens,  
Stewart,  
Stoddard,  
Taylor,  
Tibbits,  
Wade,  
Waterbury,  
Wetherby,  
Wheeler,  
Woodman,

43

#### NAYS.

Mr. Alexander,  
Atwood,  
Beamer,  
Brownell,  
Bunce,  
Choate,  
Chapoton,

Mr. Hadley,  
Haire,  
Hemingway,  
Hill,  
Joy,  
Kelsey,  
Lockwood,

Mr. A. Stevens,  
Strong,  
Toll,  
Wallin,  
Warner,  
T. M. Wilson,  
J. B. Wilson,



Cooley,	Morrison,	Winans,
Ira Davis,	Peters,	Woodward,
Douglas,	Phelps,	Wright,
Gilbert,	Shank,	Speaker,
Gregory,	Smith,	

26

The joint resolution, being

Joint resolution providing for the appointment of delegates to the peace conference of States, now assembled at Washington,

Was read a third time, and a majority of all the members elect not voting therefor, was not passed, by yeas and nays, as follows:

## YEAS.

Mr. Baker,	Mr. Haire,	Mr. Piper,
Beamer,	Henderson,	Pringle,
Bunce,	Hill,	Sessions,
Cooley,	Hurd,	Shank,
Orego,	Jones,	W. N. Stevens,
Cutcheon,	Kanouse,	Stewart,
Fallass,	Kelsey,	Stoddard,
Follett,	Lockwood,	Wallin,
Foote,	Moore,	Waterbury,
Gilbert,	Persons,	Winans,
Goodrich,	Peterson,	Wright,
A. L. Green,	Phelps,	Speaker,
N. K. Green,		

37

## NAYS.

Mr. Adams,	Mr. Hemingway,	Mr. A. Stevens,
Alexander,	Hodges,	Strong,
Atwood,	Hood,	Taylor,
Blakeslee,	Howell,	Tibbits,
Brownell,	Joy,	Toll,
Childs,	Miller,	Wade,
Choate,	Morrison,	Warner,
Cox,	Peters,	Wetherby,
C. Davis,	Pratt,	Wheeler,
Ira Davis,	Ramsdell,	T. M. Wilson,
Douglas,	Rankin,	J. B. Wilson,
Fowle,	Read,	Woodman,
Gregory,	Smith,	Woodward,
Hadley,		

40

Mr. Morrison moved that the vote just taken, by which the joint resolution was not passed, be reconsidered;



Pending which,

Mr. Morrison moved that the House adjourn ;

Mr. A. W. Davis demanded the yeas and nays.

The demand was seconded, and the motion prevailed, by yeas and nays as follows :

### YEAS.

Mr. Alexander,	Mr. Haire,	Mr. Read,
Atwood,	Henderson,	Sessions,
Baker,	Hemingway,	Shank,
Beamer,	Hill,	Smith,
Brownell,	Hood,	A. Stevens,
Bunce,	Joy,	Stoddard,
Choate,	Kelsey,	Strong,
Chapoton,	Lockwood,	Toll,
Cooley,	Morrison,	Wallin,
Ira Davis,	Persons,	Warner,
Douglas,	Peters,	Waterbury,
Gilbert,	Peterson,	Wetherby,
Goodrich,	Phelps,	T. M. Wilson,
Gregory,	Piper,	Winans,
N. K. Green,	Pratt,	Woodward,
Hadley,	Pringle,	Wright,

48

### NAYS.

Mr. Adams,	Mr. Fowle,	Mr. Rankin,
Blakeslee,	A. L. Green,	W. N. Stevens,
Childs,	Hodges,	Stewart,
Cox,	Howell,	Taylor,
Orego,	Hurd,	Tibbits,
Cutcheon,	Jones,	Wade,
A. W. Davis,	Kanouse,	Wheeler,
Fallass,	Millor,	J. B. Wilson,
Follett,	Moore,	Woodman,
Foote,	Ramsdell,	Speaker,

30

The Speaker announced that the House stood adjourned till to-morrow morning, at 9 o'clock.

*Lansing, Friday, February 15, 1861.*

House met pursuant to adjournment, and was called to order by the Speaker.

Prayer by Rev. Mr. Vibbert.

Roll called : quorum present.



Absent at roll call without leave, Messrs. Cutcheon, Howell and Leetch.

Mr. Tibbits asked and obtained leave of absence for Mr. Leetch for an indefinite time on account of sickness.

Mr. Pringle asked and obtained leave of absence for Mr. Howell for an indefinite time, on account of sickness.

Mr. Phelps asked and obtained leave of absence for himself until Wednesday next.

Mr. Childs asked and obtained leave of absence for Mr. Cutcheon for an indefinite time on account of sickness.

Mr. Lockwood asked and obtained leave of absence for himself until Tuesday next.

Mr. A. Stevens asked and obtained leave of absence for himself until Wednesday next.

#### PETITIONS PRESENTED.

By Mr. Lockwood: petition of Alex. W. Buel and 50 other citizens of Detroit, for the passage of proper amendments to the law organizing the University of Michigan;

Referred to the committee on judiciary.

By Mr. Rankin: petition of A. B. Witherbee, B. E. Warren, Wm. M. Fenton, and 100 others, citizens of Flint, praying for the institution of measures for such an amendment to the constitution of this State as will enable the legislature to establish a similar system of banking to that of Ohio and Indiana;

Referred to special committee on constitutional amendments.

By Mr. Bunce: petition of J. H. White, S. A. Jones, Ira B. Kendrick, and 17 others, citizens of the townships of Port Huron and Kimball, in the county of St. Clair, asking that certain sections of land be detached from the township of Kimball, and annexed to the township of Port Huron;

Also, remonstrance of John Tenney, Wm. Jenkinson, and 38 others, against the same;

Also, remonstrance of W. B. Verity, J. S. Kimball, and 36 others, against the same;

Referred to the committee on towns and counties.

By Mr. Goodrich: petition of Geo. D. Lathrop, and 106 others,



asking for a State road from Lansing, in the county of Ingham, through Eaton county, and an appropriation of swamp land therefor;

*Referred to the committee on public lands.*

By Mr. W. N. Stevens: petition of E. W. Whitmore, S. P. Jewett, G. W. Crossey, J. C. Bird and 26 others, residents of Ann Arbor, asking for the passage of an act to define the rights and powers of the regents, president and professors of the University;

*Referred to the committee on judiciary.*

By the Speaker: petition of J. R. Adams, C. C. Jennings and others, of Romeo, Macomb county, for a law for the appointment of county superintendents of schools;

Laid on the table.

#### REPORTS OF STANDING COMMITTEES.

By the judiciary committee:

The committee on the judiciary, to whom was referred

A bill to amend sections 4742, 4747, and 4748, of the compiled laws, relative to proceedings against debtors by attachment,

Respectfully report that they have had the said bill under consideration, and return the same to the House with the accompanying amendments, recommending that the amendments be concurred in, and that it do pass, and ask to be discharged from the further consideration of the subject.

THOS. W. LOCKWOOD, *Chairman.*

Report accepted and committee discharged.

On motion of Mr. Sessions,

The House concurred in the amendments made by the committee.

The bill was ordered printed, referred to the committee of the whole, and placed on the general order.

#### MESSAGE FROM THE SENATE.

The Speaker announced the following :



SENATE CHAMBER,  
Lansing, February 14, 1861. }

*To the Speaker of the House of Representatives:*

SIR :—I am instructed by the Senate to transmit the following entitled bill :

A bill to repeal section 2, of act No. 106, of the session laws of 1840, relative to the formation of school districts embracing lands lying on both sides of Grand River ;

Which has passed the Senate by a majority vote of all the Senators elect, and by a vote of two-thirds of all the Senators elect, been ordered to take immediate effect, and in all of which the concurrence of the House is respectfully asked.

Very respectfully,

A. B. TURNER,

*Secretary of the Senate.*

The bill was read a first and second time by its title, and referred to the committee on education.

Also the following :

SENATE CHAMBER,  
Lansing, February 14, 1861. }

*To the Speaker of the House of Representatives:*

SIR :—I am instructed by the Senate to transmit the following entitled bill:

A bill to provide the means for the redemption of the bonds of the State maturing January 1, 1863,

Which has passed the Senate by a majority vote of all the Senators elect, and in which the concurrence of the House is respectfully asked.

Very respectfully,

A. B. TURNER,

*Secretary of the Senate.*

The bill was read a first and second time by its title, and referred to the committee on ways and means.

Also the following :



SENATE CHAMBER,  
*Lansing, February 14, 1861.* }

*To the Speaker of the House of Representatives:*

SIR:—I am instructed by the Senate to inform the House that Senators Withey, Backus and Stout have been appointed on the part of the Senate to act as the joint committee for the consideration of amendments to the constitution of this State.

Very respectfully,

A. B. TURNER,  
*Secretary of the Senate.*

Laid on the table.

Also the following:

SENATE CHAMBER,  
*Lansing, February 14, 1861.* }

*To the Speaker of the House of Representatives:*

SIR:—I am instructed by the Senate to transmit the following entitled bills:

1. A bill to change the name of the village of Willow Creek, in the county of Huron, to Huron City;

2. A bill to regulate proceedings in case of recoupment;

3. A bill to amend chapter 194 of the compiled laws, relative to the arrest and examination of offenders, recommitment for trial, and taking bail;

4. A bill to authorize the Detroit & Milwaukee Railroad Company to issue stock in place of the original stock of the Detroit & Milwaukee Railway Company;

5. A bill to amend an act entitled an act to revise the charter of the city of Detroit, approved February 5, 1859;

Which have passed the Senate by a majority vote of all the Senators elect, and by a vote of two-thirds of all the Senators elect, been ordered to take immediate effect, and in all of which the concurrence of the House is respectfully asked.

Very respectfully,

A. L. TURNER,  
*Secretary of the Senate.*



The first named bill was read a first and second time by its title, and referred to the committee on banks and incorporations

The second, third and fourth named bills were read a first and second time by their titles, and referred to the committee on judiciary.

The fifth named bill was read a first and second time by its title, and referred to the committee on banks and incorporations.

Also the following:

SENATE CHAMBER,  
Lansing, February 14, 1861. }

*To the Speaker of the House of Representatives:*

SIR :—I am instructed to return to the House the following entitled bill :

A bill to amend section 5, of chapter 81, of revised statutes of 1846, relative to bonds of county treasurers in certain cases.

In the passage of which the Senate has concurred by a majority vote of all the Senators elect, and has ordered the same to take immediate effect by a vote of two-thirds of all the Senators elect.

Very respectfully,

A. B. TURNER,

*Secretary of the Senate.*

The bill was referred to the committee on engrossment and enrollment for enrollment.

#### MOTIONS, RESOLUTIONS AND NOTICES.

Mr. J. B. Wilson gave notice that on some future day he would ask leave to introduce

A bill to provide for laying out a State road from Almont, in Lapeer county, to intersect the Port Huron, Bay City and Lansing State road, in the county of Tuscola.

Mr. Hodges gave notice that on some future day, he would ask leave to introduce

A bill to amend an act entitled an act to prevent fishing with seines and every kind of nets, in certain counties.

Mr. Chapoton gave notice that on some future day he would ask leave to introduce



A bill to amend chapter 14, of the revised statutes of 1846, or chapter 10, of the compiled laws of 1857, entitled of county officers.

Mr. Adams, previous notice having been given, and leave being granted, introduced

A bill to authorize the conveyance of certain portions of section 16, township 1 south, range 11 west, in the county of Kalamazoo.

The bill was read a first and second time by its title, and referred to the committee on the judiciary.

Mr. Tibbits, previous notice having been given, and leave being granted, introduced

A bill amending section 3, 13, and 25, of chapter 150, of compiled laws, relating to forcible entry and detainer, and forcible detainer only.

The bill was read a first and second time by its title, and referred to the committee on judiciary.

Mr. Fowle, unanimous consent being given, introduced

A bill regulating proceedings in certain cases of nuisance.

The bill was read a first and second time by its title, and referred to the committee on judiciary.

Mr. Fowle, previous notice having been given, and leave being granted, introduced

A bill to re-establish and preserve section corners and quarter posts of the United States survey.

The bill was read a first and second time by its title, and referred to the committee on agriculture and manufactures.

Mr. Fowle, previous notice having been given, and leave being granted, introduced

A bill to provide for laying out and establishing highways on lines dividing this from other States.

The bill was read a first and second time by its title, and referred to the committee on roads and bridges.

Mr. Follett, previous notice having been given, and leave being granted, introduced

A bill to establish a State road from Greenville, in Montcalm



county, to Alma, in Gratiot county, and making an appropriation of swamp land to build the same.

The bill was read a first and second time by its title, and referred to the committee on public lands.

Mr. Baker, by unanimous consent, introduced

Joint resolution for the relief of the people of Kansas.

The joint resolution was read a first and second time by its title, and referred to the committee on ways and means.

### THIRD READING OF BILLS AND JOINT RESOLUTIONS.

House-bill, entitled

A bill to amend section 1, of subdivision 2d, of an act to provide for the drainage and reclamation of swamp lands by means of State roads and ditches,

Being under consideration,

On motion of Mr. Pringle,

The bill was committed to Mr. W. H. Taylor, as a special committee, to revise and perfect the same.

Senate bill, being

A bill to provide for the superintendence and care of the Bay City and Tuscola plank road,

Was read a third time and passed, a majority of all the members elect voting therefor, by yeas and nays, as follows:

### YEAS.

Mr. Adams,  
Alexander,  
Baker,  
Blakeslee,  
Brownell,  
Childs,  
Chapoton,  
Cooley,  
Cox,  
Crego,  
Douglas,  
Fowle,  
Gilbert,  
Goodrich,  
Gregory,

Mr. A. L. Green,  
Hadley,  
Hemingway,  
Hill,  
Hood,  
Hurd,  
Joy,  
Lockwood,  
Miller,  
Morrison,  
Persons,  
Peters,  
Peterson,  
Phelps,

Mr. Pringle,  
Read,  
Smith,  
W. N. Stevens,  
A. Stevens,  
Stoddard,  
Taylor,  
Wade,  
Wallin,  
J. B. Wilson,  
T. M. Wilson,  
Winans,  
Woodman,  
Wright,



The bill was then read a third time and passed, a majority of all the members elect voting therefor, by yeas and nays, as follows:

## YEAS.

Mr. Adams,	Mr. Gregory,	Mr. Ramsdell,
Alexander,	A. L. Green,	Rankin,
Atwood,	Hadley,	Read,
Baker,	Haire,	Sessions,
Beamer,	Henderson,	Shank,
Blakeslee,	Hemingway,	Smith,
Brownell,	Hill,	A. Stevens,
Bunce,	Hodges,	Stewart,
Childs,	Hood,	Stoddard,
Choate,	Hurd,	Strong,
Cooley,	Jones,	Tibbits,
Cox,	Joy,	Toll,
Orego,	Kanouse,	Wade,
A. W. Davis,	Kelsey,	Wallin,
Ira Davis,	Lockwood,	Warner,
Douglas,	Morrison,	Wetherby,
Fallass,	Persons,	Wheeler,
Follett,	Peters,	T. M. Wilson,
Foote,	Peterson,	Winans,
Fowle,	Phelps,	Woodman,
Gilbert,	Piper,	Wright,
Goodrich,	Pratt,	Speaker, 66

## NAYS.

Mr. Miller,	Mr. J. B. Wilson,	Mr. Woodward,	8
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Title agreed to.

Senate bill No. 20, being

A bill to amend section 3926 of the compiled laws, being section 3, of chapter 118, and to repeal section 3941, being section 18 of said chapter, in relation to criminal jurisdiction of justices of the peace,

Was read a third time, and a majority of all the members elect not voting therefor, was not passed, by yeas and nays, as follows:

## YEAS.

Mr. Henderson,	Mr. Pratt,	Mr. Stoddard,	8
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Title agreed to.

House bill, entitled

A bill to change the name of the township of Fremont, in the county of Alpena,

Was read a third time and passed, a majority of all the members elect voting therefor, by yeas and nays, as follows:

YEAS.

Mr. Adams,	Mr. Hadley,	Mr. Stewart,
Atwood,	Haire,	Stoddard,
Baker,	Henderson,	Strong,
Blakeslee,	Hemingway,	Taylor,
Brownell,	Hill,	Tibbits,
Childs,	Hurd,	Toll,
Choate,	Joy,	Wade,
Chapoton,	Kanouse,	Wallin,
Crego,	Kelsey,	Warner,
Ira Davis,	Lockwood,	Waterbury,
Douglas,	Miller,	Wetherby,
Fallass,	Persons,	T. M. Wilson,
Follett,	Peters,	J. B. Wilson,
Foote,	Peterson,	Winans,
Fowle,	Phelps,	Woodman,
Gilbert,	Ramsdell,	Woodward,
Gregory,	Sessions,	Wright,
A. L. Green,	A. Stevens,	Speaker, 54

NAYS.

Mr. Alexander,	Mr. Cox,	Mr. Smith,
Beamer,	A. W. Davis,	Wheeler,
Cooley,	Morrison,	8

Title agreed to.

On motion of Mr. Ramsdell,

By a vote of two-thirds of all the members elect, the bill was ordered to take immediate effect.

Senate bill, being

A bill to amend section 3563, of the compiled laws, relative to proceedings in chancery for the foreclosure of mortgages,

Being under consideration,

Mr Lockwood asked and obtained the unanimous consent of the House to amend the same by striking out the word "the" before "county," and inserting in lieu thereof the word "either."



The bill was then read a third time and passed, a majority of all the members elect voting therefor, by yeas and nays, as follows:

## YEAS.

Mr. Adams,	Mr. Gregory,	Mr. Ramsdell,
Alexander,	A. L. Green,	Rankin,
Atwood,	Hadley,	Read,
Baker,	Haire,	Sessions,
Beamer,	Henderson,	Shank,
Blakeslee,	Hemingway,	Smith,
Brownell,	Hill,	A. Stevens,
Bunce,	Hodges,	Stewart,
Childs,	Hood,	Stoddard,
Choate,	Hurd,	Strong,
Cooley,	Jones,	Tibbits,
Cox,	Joy,	Toll,
Crego,	Kanouse,	Wade,
A. W. Davis,	Kelsey,	Wallin,
Ira Davis,	Lockwood,	Warner,
Douglas,	Morrison,	Wetherby,
Fallass,	Persons,	Wheeler,
Follett,	Peters,	T. M. Wilson,
Foote,	Peterson,	Winans,
Fowle,	Phelps,	Woodman,
Gilbert,	Piper,	Wright,
Goodrich,	Pratt,	Speaker, 66

## NAYS.

Mr. Miller, Mr. J. B. Wilson, Mr. Woodward, 8

Title agreed to.

Senate bill No. 20, being

A bill to amend section 3926 of the compiled laws, being section 3, of chapter 118, and to repeal section 8941, being section 18 of said chapter, in relation to criminal jurisdiction of justices of the peace,

Was read a third time, and a majority of all the members elect not voting therefor, was not passed, by yeas and nays, as follows:

## YEAS.

Mr. Henderson, Mr. Pratt, Mr. Stoddard, 8



## NAYS.

Mr. Adams,	Mr. N. K. Green,	Mr. Rankin,
Alexander,	Hadley,	Read,
Atwood,	Haire,	Sessions,
Baker,	Hemingway,	Shank,
Beamer,	Hill,	Smith,
Blakeslee,	Hodges,	Stewart,
Brownell,	Hood,	Strong,
Bunce,	Hurd,	Taylor,
Childs,	Jones,	Tibbits,
Choate,	Joy,	Toll,
Cooley,	Kanouse,	Wade,
Cox,	Kelsey,	Wallin,
Crego,	Lockwood,	Warner,
A. W. Davis,	Miller,	Waterbury,
Ira Davis,	Morrison,	Wetherby,
Douglas,	Moore,	Wheeler,
Fallase,	Persons,	T. M. Wilson,
Follett,	Peters,	J. B. Wilson,
Foote,	Peterson,	Winans,
Fowle,	Phelps,	Woodman,
Gilbert,	Piper,	Woodward,
Goodrich,	Pringle,	Wright,
Gregory,	Ramsdell,	Speaker,
A. L. Green,		

70

Senate joint resolution, being .

Joint resolution on prefix of names of State officers and legislature to the publication of laws of the State,

Being under consideration,

Mr. Shank moved that the joint resolution be recommitted to the committee on State affairs, with instructions so to amend the same as to append the names of members to each bill passed.

Mr. Tibbits moved to amend the instructions so as to include the age and occupation of such members.

Mr. Moore moved to amend the amendment so as to include their births and deaths.

Mr. Sessions offered the following substitute for the original motion and amendments:

*Resolved*, That the joint resolution be recommitted to the committee on State affairs with instructions to strike out all that part relative to publishing the names of the members and officers of the House of Representatives ;



Which substitute was adopted.

The question recurring upon the motion to recommit the joint resolution with instructions,

Pending which,

Mr. Ramsdell moved that the joint resolution be indefinitely postponed;

Which motion did not prevail.

The motion to recommit then prevailed.

House bill No. 56, entitled

A bill to authorize any township in the county of Allegan to make loans and levy taxes for the improvement of the Kalamazoo river and harbor,

Being under consideration,

Mr. Gilbert moved that the bill be committed to the committee on internal improvements, with instructions to have the same printed;

Mr. Morrison moved to strike out "internal improvements" and insert "judiciary;"

Which amendment was accepted by the original mover.

The question recurring upon committing the bill, the motion prevailed.

Senate bill, being

A bill to amend the charter of the village of Hillsdale,

Was read a third time and passed, a majority of all the members elect voting therefor, by yeas and nays, as follows:

#### YEAS.

Mr. Adams,  
Alexander,  
Atwood,  
Baker,  
Beamer,  
Blakeslee,  
Brownell,  
Bunce,  
Childs,  
Choate,  
Chapoton,  
Cooley,

Mr. A. L. Green,  
N. K. Green,  
Hadley,  
Haire,  
Henderson,  
Hemingway,  
Hill,  
Hodges,  
Hood,  
Hurd,  
Jones,  
Joy,

Mr. Read,  
Sessions,  
Shank,  
Smith,  
A. Stevens,  
Stewart,  
Stoddard,  
Strong,  
Taylor,  
Tibbits,  
Toll,  
Wallin,



Cox,  
Crego,  
A. W. Davis,  
Ira Davis,  
Douglas,  
Fallass,  
Follett,  
Foote,  
Fowle,  
Gilbert,  
Goodrich,  
Gregory,

Kanouse,  
Kelsey,  
Lockwood,  
Miller,  
Morrison,  
Moore,  
Peterson,  
Piper,  
Pratt,  
Pringle,  
Ramsdell,  
Rankin,

Warner,  
Waterbury,  
Wetherby,  
Wheeler,  
T. M. Wilson,  
J. B. Wilson,  
Winans,  
Woodman,  
Woodward,  
Wright,  
Speaker,

71

NAYS.

0

Title agreed to.

On motion of Mr Pringle,

By a vote of two-thirds of all the members elect, the bill was ordered to take immediate effect.

Senate bill, being

A bill making appropriations for paying the indebtedness incurred by repairing damages done by fire at the reform school,

Was read a third time and passed, a majority of all the members elect voting therefor, by yeas and nays, as follows:

YEAS.

Mr. Adams,  
Alexander,  
Baker,  
Beamer,  
Blakeslee,  
Brownell,  
Bunce,  
Childs,  
Choate,  
Chapoton,  
Cox,  
Crego,  
A. W. Davis,  
Douglas,  
Fallass,  
Follett,  
Foote,  
Fowle,  
Gilbert,  
Goodrich,

Mr. Haire,  
Henderson,  
Hemingway,  
Hill,  
Hodges,  
Hood,  
Hurd,  
Jones,  
Joy,  
Kanouse,  
Kelsey,  
Lockwood,  
Miller,  
Morrison,  
Moore,  
Persons,  
Peters,  
Peterson,  
Phelps,  
Piper,

Mr. Reed,  
Sessions,  
Shank,  
Smith,  
W. N. Stevens,  
A. Stevens,  
Stewart,  
Stoddard,  
Strong,  
Taylor,  
Tibbits,  
Toll,  
Wallin,  
Warner,  
Waterbury,  
Wetherby,  
Wheeler,  
T. M. Wilson,  
J. B. Wilson,  
Winans,



Gregory,  
A. L. Green,  
N. K. Green,  
Hadley,

Pratt,  
Pringle,  
Ramsdell,  
Rankin,

Woodman,  
Woodward,  
Wright,  
Speaker,

72

NAYS.

0

Title agreed to.

On motion of Mr. Moore,

By a vote of two-thirds of all the members elect, the bill was ordered to take immediate effect.

House bill No. 40, entitled

A bill to amend chapter 23, of the compiled laws, relative to obstructions and encroachments of highways,

Was read a third time and passed, a majority of all the members elect voting therefor, by yeas and nays, as follows:

YEAS.

Mr. Adams,  
Alexander,  
Atwood,  
Beamer,  
Blakeslee,  
Brownell,  
Childs,  
Choate,  
Chapoton,  
Cox,  
Crego,  
A. W. Davis,  
Douglas,  
Fallass,  
Follett,  
Fowle,  
Gilbert,  
Goodrich,  
A. L. Green,  
N. K. Green,

Mr. Hadley,  
Haire,  
Henderson,  
Hemingway,  
Hill,  
Hodges,  
Hood,  
Hurd,  
Kelsey,  
Lockwood,  
Moore,  
Persons,  
Peterson,  
Phelps,  
Piper,  
Pratt,  
Pringle,  
Ramsdell,  
Rankin,

Mr. Read,  
Shank,  
Smith,  
W. N. Stevens,  
A. Stevens,  
Stoddard,  
Strong,  
Taylor,  
Tibbits,  
Toll,  
Wetherby,  
Wheeler,  
T. M. Wilson,  
J. B. Wilson,  
Winans,  
Woodman,  
Woodward,  
Wright,  
Speaker,

58

NAYS.

Mr. Bunce,  
Cooley,  
Gregory,  
Jones,

Mr. Kanouse,  
Morrison,  
Peters,

Mr. Stewart,  
Wallin,  
Warner,

10

Title agreed to.

Senate bill No. 22, being



A bill to amend an act entitled an act amendatory to the several acts in relation to the Wesleyan Seminary at Albion, and the Albion Female Collegiate Institute, approved February 9, 1857,

Was read a third time and passed, two-thirds of all the members elect voting therefor, by yeas and nays, as follows:

## YEAS.

Mr. Alexander,  
Adams,  
Beamer,  
Blakeslee,  
Brownell,  
Bunce,  
Childs,  
Choate,  
Chapoton,  
Cooley,  
Crego,  
A. W. Davis,  
Ira Davis,  
Douglas,  
Fallas,  
Follett,  
Foote,  
Fowler,  
Gilbert,  
Goodrich,  
Gregory,  
A. L. Green,  
N. K. Green,

Mr. Hadley,  
Haire,  
Henderson,  
Hemingway,  
Hill,  
Hodges,  
Hood,  
Hurd,  
Jones,  
Joy,  
Kanouse,  
Kelsey,  
Lockwood,  
Morrison,  
Moore,  
Persons,  
Peters,  
Peterson,  
Phelps,  
Piper,  
Pratt,  
Rankin,

Mr. Read,  
Sessions,  
Shank,  
Smith,  
W. N. Stevens,  
Stewart,  
Stoddard,  
Strong,  
Taylor,  
Tibbits,  
Toll,  
Wade,  
Waterbury,  
Wetherby,  
Wheeler,  
T. M. Wilson,  
J. B. Wilson,  
Winans,  
Woodman,  
Woodward,  
Wright,  
Speaker,

67

## NAYS.

0

Title agreed to.

On motion of Mr. Hemingway,

By a vote of two-thirds of all the members elect, the bill was ordered to take immediate effect.

House bill, entitled

A bill to amend an act to incorporate the city of Ann Arbor, approved April 4, 1851,

Was read a third time and passed, a majority of all the members elect voting therefor, by yeas and nays, as follows:



## YEAS

Mr. Adams,	Mr. A. L. Green,	Mr. Read,
Alexander,	Hadley,	Sessions,
Baker,	Henderson,	Shank,
Beamer,	Hemingway,	Smith,
Blakeslee,	Hill,	W. N. Stevens,
Brownell,	Hodges,	Stewart,
Bunce,	Hurd,	Stoddard,
Childs,	Jones,	Strong,
Choate,	Joy,	Tibbits,
Chapoton,	Kanouse,	Wade,
Cooley,	Kelsey,	Wallin,
Cox,	Lockwood,	Warner,
Crego,	Morrison,	Waterbury,
A. W. Davis,	Moore,	Wetherby,
Ira Davis,	Persons,	Wheeler,
Fallass,	Peters,	T. M. Wilson,
Follett,	Peterson,	Winans,
Foote,	Phelps,	Woodman,
Fowle,	Pratt,	Woodward,
Gilbert,	Pringle,	Wright,
Goodrich,	Ramsdell,	Speaker,
Gregory,	Rankin,	65
	NAYS	0

Title agreed to.

On motion of Mr. W. N. Stevens,

By a vote of two-thirds of all the members elect, the bill was ordered to take immediate effect.

Mr. Baker moved that the House adjourn ;

Which motion did not prevail.

House bill, entitled

A bill to amend sections 1, 4 and 5, title 2, and section 6, of title 4, and sections 5, 6, 7 and 10, of title 5, also by adding a section to said title to stand as section 20, and sections 37, 38 and 40, of title 6, of an act to incorporate the city of East Saginaw, approved February 15, 1859,

Being under consideration,

On motion of Mr. Sessions,

The reading of the bill *in extenso*, was dispensed with.

The bill was then read a third time and passed, a majority of



all the members elect voting therefor, by yeas and nays, as follows:

YEAS.

Mr. Adams,	Mr. N. K. Green,	Mr. Sessions,
Alexander,	Hadley,	Shank,
Atwood,	Haire,	Smith,
Baker,	Henderson,	W. N. Stevens,
Beamer,	Hemingway,	A. Stevens,
Blakeslee,	Hill,	Stewart,
Brownell,	Hodges,	Stoddard,
Bunce,	Hurd,	Strong,
Childs,	Joy,	Taylor,
Choate,	Kanouse,	Tibbits,
Chapoton,	Kelsey,	Wade,
Cooley,	Lockwood,	Wallin,
Cox,	Morrison,	Warner,
Crego,	Moore,	Waterbury,
Ira Davis,	Persons,	Wetherby,
Douglas,	Peters,	Wheeler,
Fallass,	Peterson,	T. M. Wilson,
Follett,	Phelps,	J. B. Wilson,
Footte,	Piper,	Winans,
Fowle,	Pratt,	Woodman,
Gilbert,	Pringle,	Woodward,
Goodrich,	Ramsdell,	Wright,
Gregory,	Rankin,	Speaker,
A. L. Green,	Read,	

71

NAYS.

Mr. Toll,

1

Pending the announcement of the vote,

On motion of Mr. Waterbury,

Mr. A. W. Davis was excused from voting.

Title agreed to.

On motion of Mr. Henderson,

By a vote of two-thirds of all the members elect, the bill was ordered to take immediate effect.

On motion of Mr. Hill,

The House adjourned till 2 o'clock this afternoon.



## AFTERNOON SESSION.

House met, and was called to order by the Speaker.

Roll called : a quorum present.

Mr. Tibbits asked and obtained the unanimous consent of the House to introduce

Joint resolution relative to the compensation of the firemen of the House of Representatives.

The joint resolution was read a first and second time by its title, and

On motion of Mr. Tibbits,

The rules were suspended, and the joint resolution put upon its final passage.

The joint resolution was then read a third time and passed, a majority of all the members elect voting therefor, by yeas and nays, as follows:

## YEAS.

Mr. Adams,	Mr. N. K. Green,	Mr. Ramsdell,
Alexander,	Hadley,	Rankin,
Atwood,	Haire,	Sessions,
Baker,	Henderson,	Shank,
Beamer,	Hemingway,	Smith,
Blakeslee,	Hill,	W. N. Stevens,
Brownell,	Hodges,	Stewart,
Bunce,	Hood,	Stoddard,
Childs,	Hurd,	Strong,
Choate,	Jones,	Taylor,
Chapoton,	Joy,	Tibbits,
Cooley,	Kanouse,	Toll,
Cox,	Kelsey,	Wade,
Crego,	Lockwood,	Warner,
A. W. Davis,	Miller,	Waterbury,
Ira Davis,	Morrison,	Wetherby,
Douglas,	Moore,	Wheeler,
Fallass,	Persons,	T. M. Wilson,
Follett,	Peters,	J. B. Wilson,
Foote,	Peterson,	Winans,
Fowle,	Phelps,	Woodman,
Gilbert,	Piper,	Woodward,
Goodrich,	Pratt,	Wright,
Gregory,	Pringle,	Speaker,
A. L. Green,		

## NAYS.

Mr. Wallin,



The title was agreed to.

Mr. Childs, unanimous consent being given, introduced Joint resolution instructing and requesting our Senators and Representatives in Congress, to oppose certain amendments to the Constitution.

The joint resolution was read a first and second time by its title, and

On motion of Mr. Childs,

The rules were suspended, and the joint resolution put upon its final passage.

The joint resolution was then read a third time and passed, a majority of all the members elect voting therefor, by yeas and nays, as follows:

#### YEAS.

Mr. Adams,  
Alexander,  
Baker,  
Beamer,  
Blakeslee,  
Bunce,  
Childs,  
Chapoton,  
Crego,  
A. W. Davis,  
Ira Davis,  
Fallass,  
Follett,  
Foote,  
Fowle,  
Gilbert,  
Goodrich,  
A. L. Green,  
N. K. Green,  
Haire,  
Henderson,

Mr. Hemingway,  
Hill,  
Hodges,  
Hood,  
Hurd,  
Jones,  
Joy,  
Kanouse,  
Kelsey,  
Lockwood,  
Miller,  
Morrison,  
Moore,  
Persons,  
Peters,  
Peterson,  
Phelps,  
Piper,  
Pratt,  
Pringle,  
Ramsdell,

Mr. Rankin,  
Read,  
Sessions,  
Shank,  
Smith,  
W. N. Stevens,  
Stewart,  
Stoddard,  
Taylor,  
Tibbits,  
Wade,  
Wallin,  
Waterbury,  
Wetherby,  
Wheeler,  
T. M. Wilson,  
J. B. Wilson,  
Woodman,  
Woodward,  
Wright,  
Speaker,

63

#### NAYS.

Mr. Brownell,  
Choate,  
Cooley,  
Douglas,

Mr. Gregory,  
Hadley,  
Strong,

Mr. Toll,  
Warner,  
Winans,

10

Mr. Adams moved that the vote just taken be reconsidered;



Mr. Gilbert moved to lay the motion to reconsider on the table;

Which motion did not prevail.

The question recurring upon the motion to reconsider the vote by which the joint resolution was passed,

The motion did not prevail.

The question being upon agreeing to the title and preamble,

Mr. Ramsdell moved to amend the same so as to read as follows :

Joint resolution instructing our Senators and requesting our Representatives in Congress, to oppose certain amendments to the Constitution ;

Which motion prevailed.

The title and preamble, as amended, were then agreed to.

By unanimous consent, the following petitions were presented :

By Mr. Hurd : petition of J. Warren, David E. Brown and 99 others, citizens of the township of Burlington, Calhoun county, and 8 others, citizens of an adjoining township, praying that a certain highway, in said township, be legalized by this legislature ;

Referred to the committee on roads and bridges.

By Mr. Baker : petition of David Irish, Hamp Rich and 100 others, asking for a State road from the township of Roxand, Eaton county, through the towns of Danby and Sebewa, in Ionia county, and asking for an appropriation of swamp land ;

Also, petition of John Compton, S. C. Triphager and 25 others, for the same purpose ;

Also, petition of Barney Mathews, John Fredericks and 98 others, for the same purpose ;

Also, petition of William Williams, George A. Boyce and 42 others, for the same purpose ;

Also, petition of S. Goff, Seth Way and 48 others, for the same purpose ;

Which several petitions were referred to the committee on public lands.



UNFINISHED BUSINESS.

Being the motion to reconsider the vote by which the joint resolution, entitled

Joint resolution providing for the appointment of delegates to the peace conference of States now assembled at Washington,

Was not passed,

Mr. A. W. Davis moved to lay the motion to reconsider on the table;

Mr. Morrison demanded the yeas and nays.

The demand was seconded, and the motion did not prevail, by yeas and nays, as follows :

YEAS.

Mr. Adams,	Mr. Henderson,	Mr. Taylor,
Atwood,	Hodges,	Tibbits,
Blakeslee,	Miller,	Toll,
Brownell,	Pratt,	Wade,
Choate,	Ramsdell,	Warner,
Cox,	Rankin,	Wetherby,
A. W. Davis,	Read,	Wheeler,
Douglas,	W. N. Stevens,	Winans,
Gregory,	Strong,	Woodman,
Hadley,		

28

NAYS.

Mr. Alexander,	Mr. N. K. Green,	Mr. Phelps,
Baker,	Haire,	Piper,
Beamer,	Hemingway,	Pringle,
Bunce,	Hill,	Sessions,
Childs,	Hood,	Shank,
Chapoton,	Hurd,	Smith,
Cooley,	Jones,	Stewart,
Crego,	Joy,	Stoddard,
Ira Davis,	Kanouse,	Wallin,
Fallass,	Kelsey,	Waterbury,
Follett,	Lockwood,	T. M. Wilson,
Foote,	Morrison,	J. B. Wilson,
Fowle,	Moore,	Woodward,
Gilbert,	Persons,	Wright,
Goodrich,	Peters,	Speaker,
A. L. Green,	Peterson,	

47

The question recurring upon the motion to reconsider the vote by which the resolution was not passed,

The motion prevailed.



Mr. Joy moved to reconsider the vote by which the previous question was ordered ;

Which motion prevailed.

The question recurring upon the passage of the joint resolution,

Mr. Pringle moved to recommit the same to the special committee on the appointment of commissioners, with instructions to report the following substitute therefor, and with instructions to report forthwith:

**JOINT RESOLUTION** providing for the appointment of Delegates to the Peace Conference of States, now assembled at Washington.

*Whereas*, The General Assembly of the State of Virginia, on the 19th day of January, 1861, passed certain resolutions inviting "all such States as are willing to unite with Virginia in an earnest effort to adjust the present unhappy controversies, in the spirit in which the Constitution was originally formed, and consistently with its principles, so as to afford the people of the slaveholding States adequate guarantees for the security of their rights," to appoint commissioners to meet others at Washington ;

*And whereas*, The terms of such invitation seemed to contemplate new guarantees, in addition to those of the Constitution, for the institution of slavery, and hence were not such as in the opinion of this Legislature of Michigan, rendered it proper to accept such invitation in the first instance ; yet, inasmuch as a majority of the States, the prevailing sentiments of which are those of the people of Michigan, have appointed and sent such commissioners to the meeting at Washington, and it is understood that such States desire the action now taken ; therefore, be it

*Resolved by the Senate and House of Representatives of the State of Michigan*, That Senators Zachariah Chandler and Kinsley S. Bingham be and they are hereby appointed commissioners to meet the said commissioners, assembled at the invitation of Virginia, to take part in the deliberations of such meeting and



to fully represent this State, by casting five votes therein, and that the Governor of this State be and he is hereby requested to inform them of such appointment.

Mr. Ramsdell offered the following as an addition to the instructions :

*Resolved further*, That they be instructed to oppose all compromises or amendments of the Constitution that will admit of the idea of property in man, or legal existence of slavery in any territory of the United States, or the right of transporting slaves through the free States.

Mr. Taylor moved to add the following proviso to the amendment: "*Provided*, That their action shall be submitted to the Legislature of this State for ratification or rejection;"

Which was accepted.

Mr. Hodges moved that the whole subject be indefinitely postponed.

Mr. Alexander demanded the yeas and nays.

The demand was seconded, and the motion did not prevail, by yeas and nays, as follows:

#### YEAS.

Mr. Adams,	Mr. Goodrich,	Mr. W. N. Stevens,
Blakeslee,	Hodges,	Taylor,
Childs,	Miller,	Tibbits,
Cox,	Pratt,	Wade,
A. W. Davis,	Ramsdell,	Wetherby,
Fowle,	Rankin,	Wheeler,

18

#### NAYS.

Mr. Alexander,	Mr. N. K. Green,	Mr. Pringle,
Atwood,	Hadley,	Sessions,
Baker,	Haire,	Shank,
Beamer,	Henderson,	Smith,
Brownell,	Hemingway,	Stewart,
Bunce,	Hill,	Stoddard,
Choate,	Hood,	Strong,
Chapoton,	Hurd,	Toll,
Cooley,	Jones,	Wallin,
Crego,	Joy,	Warner,
Ira Davis,	Kanouse,	Waterbury,
Douglas,	Kelsey,	T. M. Wilson,
Fallass,	Lockwood,	J. B. Wilson,



Follett,  
Foote,  
Gilbert,  
Gregory,  
A. L. Green,

Morrison,  
Persons,  
Peters,  
Phelps,  
Piper,

Winans,  
Woodward,  
Wright,  
Speaker,

53

The question recurring upon the adoption of the amendment to the instructions offered by Mr. Ramsdell,

Mr. A. W. Davis demanded the yeas and nays.

The demand was seconded.

Pending the taking of the vote,

Mr. Woodman moved that the House take a recess until 7 o'clock;

Which motion did not prevail.

Mr. Hodges demanded the previous question.

The demand was seconded and the main question ordered.

The question being upon the adoption of the amendment, it was not adopted, by yeas and nays, as follows :

## YEAS.

Mr. Adams,  
Baker,  
Blakeslee,  
Childs,  
Cox,  
Crego,  
A. W. Davis,  
Fallass,  
Follett,  
Fowle,  
Goodrich,

Mr. Hodges,  
Hurd,  
Jones,  
Kanouse,  
Miller,  
Moore,  
Peterson,  
Piper,  
Pratt,  
Pringle,  
Ramsdell,

Mr. Rankin,  
Read,  
W. N. Stevens,  
Stoddard,  
Taylor,  
Tibbits,  
Wade,  
Wetherby,  
Wheeler,  
Woodman,

32

## NAYS.

Mr. Alexander,  
Atwood,  
Beamer,  
Brownell,  
Bunce,  
Choate,  
Chapoton,  
Cooley,  
Ira Davis,  
Douglas,  
Foote,

Mr. N. K. Green,  
Hadley,  
Haire,  
Henderson,  
Hemingway,  
Hill,  
Hood,  
Joy,  
Kelsey,  
Lockwood,  
Morrison,

Mr. Shank,  
Smith,  
Stewart,  
Strong,  
Toll,  
Wallin,  
Warner,  
Waterbury,  
T. M. Wilson,  
J. B. Wilson,  
Winans,



Gilbert,  
Gregory,  
A. L. Green,

Peters,  
Phelps,  
Sessions,

Woodward,  
Wright,  
Speaker, 42

Mr. Brownell then offered the following substitute for the original instructions proposed by Mr. Pringle:

*Whereas*, The State of Virginia has invited all the States that are willing to unite with her in an earnest effort to adjust the present unhappy controversies, in the spirit in which the constitution was originally formed, and consistently with its principles, to appoint commissioners to meet similar commissioners in the city of Washington, appointed by Virginia;

*And whereas*, The people of the State of Michigan are actuated by an earnest desire that no honorable effort should be left untried to maintain by peaceful means the union of the States, as it has existed for almost a century; therefore,

*Resolved* by this House, (the Senate concurring,) That the following citizens of Michigan, viz: Chancellor Farnsworth, George Martin, Alpheus Felch, Hezekiah G. Wells and George A. Coe, be and are hereby appointed such commissioners to meet and consult with those appointed by the State of Virginia for the consideration of the objects indicated in the preamble to this resolution.

Which was not adopted, by yeas and nays, as follows :

#### YEAS.

Mr. Atwood,  
Choate,  
Cooley,  
Douglas,

Mr. Gregory,  
Hadley,  
Strong,

Mr. Toll,  
Warner,  
Winans,

10

#### NAYS.

Mr. Adams,  
Alexander,  
Baker,  
Beamer,  
Blakeslee,  
Bunce,  
Childs,  
Chapoton,  
Cox,  
Crego,  
A. W. Davis,

Mr. Henderson,  
Hemingway,  
Hill,  
Hodges,  
Hood,  
Hurd,  
Jones,  
Joy,  
Kanouse,  
Kelsey,  
Lockwood,

Mr. Rankin,  
Read,  
Sessions,  
Shank,  
Smith,  
W. N. Stevens,  
Stewart,  
Stoddard,  
Taylor,  
Tibbits,  
Wade,



Ira Davis,  
Fallass,  
Follett,  
Foote,  
Fowle,  
Gilbert,  
Goodrich,  
A. L. Green,  
N. K. Green,  
Haire,

Miller,  
Morrison,  
Moore,  
Peters,  
Peterson,  
Phelps,  
Piper,  
Pratt,  
Pringle,  
Ramsdell,

Wallin,  
Waterbury,  
Wetherby,  
Wheeler,  
T. M. Wilson,  
J. B. Wilson,  
Woodman,  
Woodard,  
Wright,  
Speaker, 68

The question then recurring upon recommitting the joint resolution to the special committee, with instructions, the motion prevailed, by yeas and nays, as follows :

## YEAS.

Mr. Alexander,  
Baker,  
Beamer,  
Blakeslee,  
Bunce,  
Chapoton,  
Cooley,  
Crego,  
Ira Davis,  
Fallass,  
Follett,  
Foote,  
Gilbert,  
A. L. Green,  
N. K. Green,  
Henderson,  
Hemingway,

Mr. Hill,  
Hood,  
Hurd,  
Jones,  
Joy,  
Kanouse,  
Kelsey,  
Lockwood,  
Morrison,  
Peters,  
Peterson,  
Phelps,  
Piper,  
Pratt,  
Pringle,  
Rankin,  
Read,

Mr. Sessions,  
Shank,  
Smith,  
W. N. Stevens,  
Stewart,  
Stoddard,  
Wade,  
Wallin,  
Waterbury,  
Wetherby,  
T. M. Wilson,  
J. B. Wilson,  
Woodman,  
Woodard,  
Wright,  
Speaker, 50

## NAYS.

Mr. Adams,  
Atwood,  
Brownell,  
Childs,  
Choate,  
Cox,  
A. W. Davis,

Mr. Douglas,  
Fowle,  
Hadley,  
Hodges,  
Moore,  
Ramsdell,  
Strong,

Mr. Taylor,  
Tibbits,  
Toll,  
Warner,  
Wheeler,  
Winans,

20

Mr. Winans moved that the House adjourn;

Which motion did not prevail.

Mr. Ramsdell moved a call of the House;

Which motion did not prevail.



Mr. A. W. Davis moved that the House adjourn;

Which motion did not prevail.

Mr. Peterson moved that the House take a recess until 7 o'clock;

Mr. A. W. Davis demanded the yeas and nays.

The demand was seconded, and the motion did not prevail, by yeas and nays, as follows :

#### YEAS.

Mr. Adams,  
Blakeslee,  
Childs,  
A. W. Davis,  
Fowle,  
Gregory,  
Hadley,  
Hodges,

Mr. Hood,  
Jones,  
Peterson,  
Piper,  
Pratt,  
Ramsdell,  
Rankin,

Mr. Stoddard,  
Taylor,  
Tibbits,  
Wade,  
Wetherby,  
Wheeler,  
Woodman,

23

#### NAYS.

Mr. Alexander,  
Atwood,  
Baker,  
Beamer,  
Brownell,  
Bunce,  
Choate,  
Chapoton,  
Cooley,  
Cox,  
Crego,  
Ira Davis,  
Douglas,  
Fallass,  
Follett,  
Gilbert,  
A. L. Green,

Mr. N. K. Green,  
Haire,  
Henderson,  
Hemingway,  
Hill,  
Hurd,  
Joy,  
Kanouse,  
Kelsey,  
Lockwood,  
Miller,  
Morrison,  
Moore,  
Peters,  
Phelps,  
Pringle,

Mr. Sessions,  
Shank,  
Smith,  
W. N. Stevens,  
Stewart,  
Strong,  
Toll,  
Wallin,  
Warner,  
Waterbury,  
T. M. Wilson,  
J. B. Wilson,  
Winans,  
Woodward,  
Wright,  
Speaker,

49

The special committee on appointment of commissioners, then submitted the following report:

The special committee to whom was recommitted, with instructions,

Joint resolution relating to the appointment of commissioners to the peace conference of States now assembled at Washington,



Have had the same under consideration, and herewith report the same back to the House as instructed.

A. H. MORRISON,  
JAS. F. JOY,  
T. M. WILSON,  
JOHN HAIRE,  
C. C. DOUGLAS.

Report accepted.

The question being upon the adoption of the joint resolution, as amended,

Mr. Hodges demanded the previous question.

The demand was seconded.

Pending the third reading of the joint resolution,

Mr. A. W. Davis rose to a point of order—that the joint resolution was not properly before the House.

The Speaker decided the point not well taken.

Mr. A. W. Davis appealed from the decision of the Chair.

The question being, “shall the decision of the Chair stand as the decision of the House?” the Chair was sustained.

The joint resolution, entitled

Joint resolution providing for the appointment of delegates to the peace conference of States now assembled at Washington,

Was read a third time, and a majority of all the members elect not voting therefor, was not passed, by yeas and nays, as follows:

#### YEAS.

Mr. Alexander,  
Baker,  
Bunce,  
Chapoton,  
Cooley,  
Crego,  
Ira Davis,  
Fallass,  
Follett,  
Foote,  
Gilbert,

Mr. Haire,  
Henderson,  
Hemingway,  
Hill,  
Jones,  
Joy,  
Kelsey,  
Lockwood,  
Morrison,  
Moore,  
Peters,

Mr. Pringle,  
Sessions,  
Shank,  
Smith,  
Stewart,  
Stoddard,  
Wallin,  
Waterbury,  
T. M. Wilson,  
J. B. Wilson,  
Woodward,



Goodrich,  
A. L. Green,  
N. K. Green,

Peterson,  
Phelps,

Wright,  
Speaker,

40

### NAYS.

Mr. Adams,  
Atwood,  
Beamer,  
Blakeslee,  
Brownell,  
Childs,  
Choate,  
Cox,  
A. W. Davis,  
Douglas,  
Fowle,  
Gregory,

Mr. Hadley,  
Hodges,  
Hood,  
Hurd,  
Kanouse,  
Miller,  
Piper,  
Pratt,  
Ramsdell,  
Rankin,  
Read,

Mr. W. N. Stevens,  
Strong, -  
Taylor,  
Tibbits,  
Toll,  
Wade,  
Warner,  
Wetherby,  
Wheeler,  
Winans,  
Woodman,

81

On motion of Mr. Strong,

The House adjourned till to-morrow morning at 9 o'clock.

*Lansing, Saturday, February 16, 1861.*

House met pursuant to adjournment, and was called to order by the Speaker.

Roll called : quorum present.

Absent at roll call without leave, Messrs. Beamer, Brownell, Ira Davis, Follett, Henderson, Kanouse, Moore, Sessions and T. M. Wilson.

Mr. Shank asked and obtained leave of absence for Mr. Beamer until Tuesday next.

Mr. Douglas asked and obtained leave of absence for Mr. Brownell until Tuesday next.

Mr. Fallass asked and obtained leave of absence for Mr. Ira Davis, for an indefinite time.

Mr. Kelsey asked and obtained leave of absence for Mr. Follett for an indefinite time, on account of sickness.

Mr. Woodward asked and obtained leave of absence for Mr. Henderson until Tuesday next.

Mr. Kelsey asked and obtained leave of absence for Mr. Kanouse until Wednesday next.



Mr. Piper asked and obtained leave of absence for Mr. Moore for an indefinite time.

Mr. Blakeslee asked and obtained leave of absence for Mr. Sessions for an indefinite time, on account of sickness.

Mr. J. B. Wilson asked and obtained leave of absence for Mr. T. M. Wilson for an indefinite time, on account of sickness in his family.

Mr. Hill offered the following:

*Resolved*, That Ebenezer Warner, Member from Marquette, be excused for non-attendance in this House at the early part of the session, on account of sickness in his family;

Which was adopted.

#### PETITIONS PRESENTED.

By Mr. N. K. Green: petition of Orson Green, W. Hathaway, and 33 others, citizens of Lenawee county, asking for the passage of a law prohibiting fishing with spears in "Round Lake," in said county;

Referred to the committee on State affairs,

By Mr. Hurd; remonstrance of J. B. Greenough, J. O. Balch, S. H. Preston, and 34 others, citizens of Marshall and vicinity, against the establishment of a municipal court in the city of Battle Creek;

Referred to the committee on judiciary.

By Mr. Wheeler: petition of Jesse Fonda and 13 others, for an amendment to the library laws;

Referred to the committee on education.

By Mr. Fowle: petition of E. B. Hadley and 64 others, praying for the enactment of a stringent usury law;

Laid on the table.

By Mr. Wetherby: petition of L. A. Rose, James Ruggles, J. E. Earl, C. D. Johnson, and 53 others, asking for the repeal of the personal liberty laws;

Laid on the table.

By Mr. Tibbits: remonstrance of B. F. Staum, Geo. Hancock, O. Wood Davis, and 8 others, citizens of Detroit, against the repeal of the personal liberty laws;



Laid on the table.

By Mr. Smith: petition of Deborah Palmer and 25 others, praying that certain territory be detached from the city of St. Clair;

Referred to the committee on banks and incorporations.

By Mr. A. Stevens: petition of James Watson, H. D. Braddock and 90 others, praying for a State road from Bay city, Bay county, to the forks of Cass river, in Tuscola county, and asking an appropriation of swamp land to aid in the construction of the same;

Referred to the committee on public lands.

By Mr. Fallass: petition of the supervisors of Kent county, for an appropriation of swamp lands on a State road therein named;

Referred to the committee on roads and bridges.

By Mr. Waterbury: petition of Norman Wait and 48 others, for a branch to the State road leading from Bridgeport, in Saginaw county, to Forrestville, in Sanilac county, and for an appropriation of swamp lands for an improvement of the same;

Referred to the committee on public lands.

By Mr. Warner: petition of J. Mott, J. Williams and 70 others, asking the passage of a law to regulate fishing in this State;

Also, petition of S. P. Mead, C. W. Hatch and 42 others, for the same purpose;

Referred to the committee on State affairs.

By Mr. Fallass: remonstrance of Arba Richards and 30 others, citizens of Lowell, against any amendment of the charter of the village of Lowell;

Referred to the committee on banks and incorporations.

By Mr. Wade: petition of G. W. Gibbons, S. N. Lee and 77 others, citizens of Blackman and Henrietta, in Jackson county, praying for the repeal of the Jackson and Michigan plank road charter;

Referred to the committee on judiciary.

By Mr. Beamer: petition of Wm. S. Goodyear and 25 others,



citizens of Hastings, asking for a law amending the corporate limits of the said village of Hastings ;

Referred to the committee on banks and incorporations.

By Mr. Blakeslee : petition of S. N. Hill, G. M. Trowbridge, George S. Lee and 11 others, for the passage of a law to clearly define the rights and duties of the Regents, Professors and President of the University of Michigan ;

Referred to the committee on judiciary.

By Mr. Joy : remonstrance of Henry Stafford and 8 others, citizens of Richland, against the repeal of the personal liberty laws ;

Laid on the table.

By Mr. Hill : petition of W. J. Bartow, mayor of the city of East Saginaw, and 24 others, praying for the granting of authority for the Recorder of the city to exercise the powers of circuit court commissioner in certain cases ;

Referred to the committee on judiciary.

#### REPORTS OF STANDING COMMITTEES.

By the committee on the judiciary :

The committee on the judiciary, to whom was referred a petition asking for a law making the sale of alcoholic drinks as a beverage a criminal offense,

Respectfully report that they have had the said petition under consideration, return the same to the House, recommend that the prayer of the petitioners be not granted, and ask to be discharged from the further consideration of the subject.

EUGENE PRINGLE, *Acting Chairman.*

Report accepted and committee discharged.

By the committee on the judiciary :

The committee on the judiciary, to whom was referred

A bill to authorize the conveyance of certain portions of section 16, township 1 south, of range 11 west, in the county of Kalamazoo,

Respectfully report that they have had the same under consideration, report it back with the recommendation that it d



pass, and ask to be discharged from the further consideration of the subject.

EUGENE PRINGLE, *Acting Chairman*.

Report accepted and committee discharged.

On motion of Mr. Pringle,

The bill was placed on the order of third reading.

By the committee on the judiciary:

The committee on the judiciary, to whom was referred the petition of Nathaniel Bacon, circuit judge of second judicial circuit, asking that the county of Branch may be annexed to the first circuit,

Respectfully report that they have had the said petition under consideration, and that they are unable to devise any plan by which justice could be done to all parties interested, by a different arrangement of the circuits. They therefore respectfully recommend that the prayer of the petitioner be not granted, and ask to be discharged from the further consideration of the subject.

EUGENE PRINGLE, *Acting Chairman*.

Report accepted and committee discharged.

By the judiciary committee:

The committee on the judiciary to whom was referred Senate bill, entitled

A bill to authorize the Detroit & Milwaukee Railroad Company, to issue stock in place of the original stock of the Detroit & Milwaukee Railway Company,

Respectfully report that they have had the same under consideration, report it back with the recommendation that it do pass, and ask to be discharged from the further consideration of the subject.

EUGENE PRINGLE, *Acting Chairman*.

Report accepted and committee discharged.

The bill was referred to the committee of the whole, and placed on the general order.

By the committee on the judiciary:

The committee on the judiciary, to whom was referred two petitions for the repeal of the prohibitory liquor law, and to pro-



vide for an amendment to the Constitution, authorizing the passage of a license law ;

Also,

Joint resolution to provide for amending sections one, two and four, of article fifteen of the Constitution, relating to corporations,

Respectfully report the same back to the House with the recommendation that they be referred to the special committee on constitutional amendments, and ask to be discharged from the further consideration of the same.

EUGENE PRINGLE, *Acting Chairman,*

Report accepted and committee discharged.

The recommendations of the committee were concurred in, and the joint resolution and petitions referred to the special committee on constitutional amendments.

By the judiciary committee :

The committee on the judiciary, to whom was referred a petition for a law giving to persons living on the shore of Lake Erie, in Monroe county, the exclusive right to fish opposite their own land,

Respectfully report that they have had the said petition under consideration, return the same to the House, recommend that the prayer of the petitioners be not granted, and ask to be discharged from the further consideration of the subject.

EUGENE PRINGLE, *Acting Chairman.*

Report accepted and committee discharged.

By the committee on judiciary :

The committee on the judiciary, to whom was referred a memorial of the Detroit Bar Library, praying for compensation for the use of the library by the judges of the supreme court,

Respectfully report that they have had the said petition under consideration, and return the same to the House with the accompanying bill, which they recommend do pass, and ask to be discharged from the further consideration of the subject.

M. M. ATWOOD, *for the Committee.*

Report accepted and committee discharged.



The bill was read a first and second time by its title, and

On motion of Mr. Pringle,

Placed on the order of third reading.

By the committee on agriculture and manufactures :

The committee on agriculture and manufactures, to whom was referred

A bill to protect the owners of sheep from damages done by dogs,

Would respectfully report that they have had the same under consideration, and also sundry petitions in regard thereto, and instructed me to report the same back to the House with the following amendment: In section 18, line 9, strike out the words "a fine," and insert in lieu thereof the words "damages to the amount of," and recommend that said bill do pass, when so amended, and ask to be discharged from the further consideration of the same.

JAMES WEBSTER CHILDS, *Chairman.*

Report accepted and committee discharged.

On motion of Mr. Hurd,

The House concurred in the amendment made by the committee.

The bill was ordered printed, referred to the committee of the whole and placed on the general order.

By the committee on public lands :

The committee on public lands, to whom was referred the petition of Isaac Green and 182 others, asking for an appropriation of swamp land for the improvement of the State road leading from Bridgeport, in the county of Saginaw, to Forrestville, in the county of Sanilac,

Direct me to report that we have had the same under consideration, and seeing no good reason why the prayer of the petitioners should not be granted, therefore report a bill in accordance with the petition, entitled

A bill to provide for the improvement of the Bridgeport and Forrestville State Road,



Recommend its passage, and ask to be discharged from the further consideration of the same.

All of which is respectfully submitted.

J. C. WATERBURY, *Chairman.*

Report accepted and committee discharged.

The bill was read a first and second time by its title, ordered printed, referred to the committee of the whole, and placed on the general order.

By the committee on towns and counties :

The committee on towns and counties, to whom was referred

A bill to attach fractional township seventeen north of range nine east to the township of Caseville,

Have had the same under consideration, and direct me to report in favor of the bill, recommend its passage, and ask to be discharged from the further consideration of the same.

J. B. WILSON, *Chairman.*

Report accepted and committee discharged.

On motion of Mr. Stewart,

The bill was placed on the order of third reading.

By the committee on engrossment and enrollment :

The committee on engrossment and enrollment, report as correctly enrolled, signed and presented to the Governor, the following entitled bill :

A bill to amend section 5, of chapter 81, of revised statutes of 1846, relative to bonds of county treasurers in certain cases.

A. L. GREEN, *Chairman.*

Report accepted.

By the committee on towns and counties :

The committee on towns and counties, to whom was referred a petition for the organization of the township of Bath, in the county of Muskegon,

Have given due consideration to the same, and direct me to report a bill, entitled

A bill to organize the township of Bath, in the county of Muskegon;

In accordance with the prayer of the petitioners, with the



recommendation that it do pass, and ask to be discharged from the further consideration of the same.

J. B. WILSON, *Chairman.*

Report accepted and committee discharged.

The bill was read a first and second time by its title, ordered printed, referred to the committee of the whole, and placed on the general order.

#### MESSAGES FROM THE SENATE.

The Speaker announced the following :

SENATE CHAMBER,  
Lansing, February 15, 1861. }

*To the Speaker of the House of Representatives:*

SIR—I am instructed by the Senate to transmit the following entitled bills :

1. A bill to extend the time for the collection of taxes in the township of Bingham, in the county of Clinton ;

2. A bill to amend section 3, of chapter 1, of revised statutes of 1846, being section 2, of chapter 1, compiled laws, of statutes defining general elections ;

Which have passed the Senate by a majority vote of all the Senators elect, and by a vote of two thirds of all the Senators elect, been ordered to take immediate effect, and in all of which the concurrence of the House is respectfully asked.

Very respectfully,

A. B. TURNER,

*Secretary of the Senate.*

The first named bill was read a first and second time by its title, and

On motion of Mr. Pratt,

The rules were suspended, and the bill put upon its final passage.

The bill, being Senate bill, entitled

A bill to extend the time for the collection of taxes in the township of Bingham, in the county of Clinton,

Was read a third time and passed, a majority of all the members elect voting therefor, by yeas and nays, as follows:



## YEAS.

Mr. Adams,	Mr. A. L. Green,	Mr. Pringle,
Alexander,	N. K. Green,	Ramsdell,
Atwood,	Hadley,	Rankin,
Baker,	Haire,	Read,
Blakeslee,	Hemingway,	Shank,
Brownell,	Hill,	Smith,
Childs,	Hodges,	W. N. Stevens,
Choate,	Hood,	Tibbits,
Chapoton,	Hurd,	Toll,
Cooley,	Jones,	Wallin,
Cox,	Joy,	Warner,
Crego,	Kelsey,	Waterbury,
A. W. Davis,	Miller,	Wetherby,
Douglas,	Morrison,	J. B. Wilson,
Fallass,	Persons,	Winans,
Foote,	Peters,	Woodman,
Fowle,	Peterson,	Woodward,
Goodrich,	Piper,	Wright,
Gregory,	Pratt,	Speaker, 57

## NAYS.

Mr. Stewart,	Mr. Wheeler,	2
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Title agreed to.

On motion of Mr. Kelsey,

By a vote of two-thirds of all the members elect, the bill was ordered to take immediate effect.

The second named bill was read a first and second time by its title, and referred to the committee on judiciary.

Also the following:

SENATE CHAMBER,  
Lansing, February 15, 1861. }

*To the Speaker of the House of Representatives:*

SIR:—I am instructed by the Senate to transmit the following entitled joint resolution and bills:

1. Joint resolution appropriating the tolls of the St. Mary's canal to the payment of the amount due counties for taxes assessed on canal lands;

2. A bill to amend an act entitled an act to provide for assessing property at its true value, and for levying and collecting taxes thereon, approved February 14, 1853, and the acts amendatory.



thereto, approved February 12, 1855, approved February 4, 1858 ;

3. A bill to amend section 3483, chapter 113, of the compiled laws, regulating the recording and authentication of notices of lispendens,

Which have passed the Senate by a majority vote of all the Senators elect, and in all of which the concurrence of the House is respectfully asked.

Very respectfully,

A. B. TURNER,

*Secretary of the Senate.*

The joint resolution was read a first and second time by its title, and referred to the committee on ways and means.

The first named bill was read a first and second time by its title, and referred to the committee on ways and means.

The second named bill was read a first and second time by its title, and referred to the committee on judiciary.

Also the following :

SENATE CHAMBER,

*Lansing, February 15, 1861. }*

*To the Speaker of the House of Representatives :*

SIR:—I am instructed to return to the House the following entitled bill :

A bill to amend section 5, of chapter 165, of the revised statutes of 1846 ;

Which the Senate has amended, by striking out of lines one and two, of section five, the words, "in the first degree ;"

Also, by adding to the title the words "relative to challenging jurors in criminal cases ;"

In the passage of which, as thus amended, the Senate has concurred by a majority vote of all the Senators elect.

Very respectfully,

A. B. TURNER,

*Secretary of the Senate.*

The House concurred in the amendment made to the bill by the Senate, by the following vote :



## YEAS.

Mr. Adams,  
Atwood,  
Blakeslee,  
Bunce,  
Childs,  
Choate,  
Chapoton,  
Cooley,  
A. W. Davis,  
Fallass,  
Gilbert,  
Goodrich,  
A. L. Green,  
Hemingway,  
Hill,

Mr. Hodges,  
Hood,  
Hurd,  
Joy,  
Kelsey,  
Morrison,  
Persons,  
Peters,  
Peterson,  
Piper,  
Pratt,  
Ramsdell,  
Rankin,  
Read,  
Shank,

Mr. Smith,  
W. N. Stevens,  
Stoddard,  
Strong,  
Tibbits,  
Toll,  
Warner,  
Wetherby,  
Wheeler,  
J. B. Wilson,  
Winans,  
Woodward,  
Wright,  
Speaker,

44

## NAYS.

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The amendment to the title was concurred in.

The bill was then referred to the committee on engrossment and enrollment for enrollment.

Also the following:

SENATE CHAMBER,  
Lansing, February 15, 1861. }

To the Speaker of the House of Representatives:

SIR :—I am instructed to return to the House the following entitled bill :

A bill to provide for the levying of a special tax in certain townships in Van Buren and Allegan counties herein named, for the improvement of the mouth of the South Black River, in the county of Van Buren ;

In the passage of which the Senate has concurred by a majority vote of all the Senators elect, and has ordered the same to take immediate effect by a vote of two-thirds of all the Senators elect.

Very respectfully,

A. B. TURNER,

Secretary of the Senate.

The bill was referred to the committee on engrossment and enrollment for enrollment.

Also the following :



SENATE CHAMBER,  
Lansing, February 15, 1861.

*To the Speaker of the House of Representatives:*

SIR:—I am instructed by the Senate to transmit the following entitled bill:

A bill to amend section eight of act No. 138, of the session laws of 1859, entitled an act to provide for the trial of offenders upon information,

Which has passed the Senate by a majority vote of all the Senators elect, and in all of which the concurrence of the House is respectfully asked.

Very respectfully,

A. B. TURNER,

*Secretary of the Senate.*

The bill was read a first and second time by its title, and referred to the committee on judiciary.

MOTIONS, RESOLUTIONS AND NOTICES.

Mr. A. W. Davis offered the following:

*Resolved*, That the appointment of commissioners to the peace conference at Washington, be made a special order for every afternoon at 2 o'clock during the rest of the session, and that there be no evening sessions, so that the republican members can meet in caucus to consider the same subject.

On motion of Mr Atwood,

The resolution was laid on the table.

Mr. Hurd gave notice that on some future day, he would ask leave to introduce

A bill to legalize a certain highway in township No. 4 south, of range No. 7 west.

Mr. Goodrich gave notice that on some future day he would ask leave to introduce

A bill authorizing a special tax for the purpose of improving the State road leading from the west end of Saginaw street, in the city of Lansing, westward through the counties of Ingham and Eaton.



Mr. Bunce gave notice that on some future day he would ask leave to introduce

A bill to annex certain sections of land to the township of Port Huron.

Mr. Atwood gave notice that on some future day he would ask leave to introduce

A bill to repeal act No. 177 of the session laws of 1859, being an act further to preserve the purity of elections, and guard against the abuses of the elective franchise by a registration of electors.

Mr. Baker gave notice that on some future day he would ask leave to introduce

A bill for laying out and establishing a State road from Roxand, Eaton county, through the towns of Danby and Seban, Ionia county.

Mr. Pringle moved to take from the table the following amendment, proposed to rule 10 of the House:

Add thereto the following: "And no member shall speak more than fifteen minutes at one time upon any one question;"

Which motion prevailed.

The question being upon the adoption of the amendment, it was adopted.

Mr. Persons gave notice that on some future day he would ask leave to introduce

A bill to provide for clearing the Thunder Bay river, in Alpena county, and ask for an appropriation of swamp land for the same.

Mr. Pratt gave notice that on some future day he would ask leave to introduce

A bill to provide for laying out a State road from the county seat of Isabella county, to Alma, in Gratiot county;

Also,

A bill to provide for laying out a State road from the county seat of Isabella county, to St. Louis, in Gratiot county.

Mr. Shank offered the following:

*Resolved*, (the Senate concurring,) That the Attorney Gen-



eral be and is hereby authorized to employ such counsel and incur such other expenses as he may deem necessary, in the suit now pending between the people of the State of Michigan and John McKinney, late State Treasurer, and the Board of State Auditors are hereby authorized and directed to allow the same.

Laid on the table for one day under the rules.

Mr. Pringle offered the following amendment to rule 39, of the House: Insert the word "nor" after the word "called," in the 4th line, and strike out the words "nor the time of speaking limited" at the end of the rule.

Laid on the table for one day, under the rules.

Mr. Pringle, unanimous consent being given, introduced

A joint resolution relative to an amendment of the Constitution in regard to the salaries of executive and judicial officers.

The joint resolution was read a first and second time by its title, and referred to the joint committee on constitutional amendments.

Mr. Beamer, previous notice having been given, and leave being granted, introduced

A bill to amend an act entitled an act to amend section 1 of an act to incorporate the village of Hastings, approved Feb. 13, 1855, being act No. 74, of session laws of 1859, approved Feb. 7, 1859.

The bill was read a first and second time by its title, and referred to the committee on banks and incorporations.

Mr. Tibbits, previous notice having been given, and leave being granted, introduced

A bill authorizing the supervisors of the townships in the county of Wayne to equalize their own assessment rolls.

The bill was read a first and second time by its title, and referred to the committee on the judiciary.

Mr. Tibbits, unanimous consent being given, introduced

A bill to amend chapter 150, of the revised statutes of 1846, it being chapter 173 of the compiled laws.



The bill was read a first and second time by its title, and referred to the committee on judiciary.

Mr. Warner, previous notice having been given, and leave being granted, introduced

A bill to regulate fisheries in the waters of the State of Michigan.

The bill was read a first and second time by its title, and referred to the committee on State affairs.

Mr. Chapoton, previous notice having been given, and leave being granted, introduced

A bill to amend chapter 14 of the revised statutes of 1846, or chapter 10 of the compiled laws of 1857, entitled of county officers.

The bill was read a first and second time by its title, and referred to the committee on towns and counties.

Mr. Douglas, previous notice having been given, and leave being granted, introduced

A bill to extend the L'Ance Bay and State Line road to the head of Torch lake, and making a grant of land in aid of the construction of the same.

The bill was read a first and second time by its title, and referred to the committee on public lands.

Mr. Hill, unanimous consent being given, introduced

A bill to amend section 14, of title 4, of an act entitled an act to incorporate the city of East Saginaw, approved February 15, 1859, to provide for exercising the duties of circuit court commissioner by the city recorder of East Saginaw.

The bill was read a first and second time by its title, and referred to the committee on judiciary.

Mr. Hill, previous notice having been given, and leave being granted, introduced

A bill to amend chapter 75 of the compiled laws, by adding five new sections, to be numbered sections 25, 26, 27, 28 and 29, to provide for the homœopathic department in the University of Michigan.



The bill was read a first and second time by its title, and referred to the committee on State affairs.

Mr. Jay, previous notice having been given, and leave being granted, introduced

A bill authorizing Eber B. Ward to receive toll upon a canal constructed by him, in the county of St. Clair, and which drains a body of swamp lands.

The bill was read a first and second time by its title, and referred to the committee on the judiciary.

Mr. Wallin, previous notice having been given, and leave being granted, introduced

A bill appropriating certain lands lying in Allegan county for the improvement of the Kalamazoo river and harbor.

The bill was read a first and second time by its title, and referred to the committee on public lands.

Mr. Hurd, unanimous consent being given, introduced

A bill to authorize the Marshall and Ionia plank road company to discontinue a portion of their road, and for other purposes.

The bill was read a first and second time by its title, and referred to the committee on banks and incorporations.

Mr. Tibbits, unanimous consent being given, introduced

A bill to make an appropriation to aid the Michigan State Agricultural Society.

The bill was read a first and second time by its title, and referred to the committee on ways and means.

Mr. Pratt, unanimous consent being given, introduced

A joint resolution to relieve Christopher C. Darling and Leonard Murphy, in the matter of extra work on the Ionia and Houghton Lake State road.

The joint resolution was read a first and second time by its title, and referred to the committee on the judiciary.

Mr. Gilbert, unanimous consent being given, introduced

Joint resolution to provide for the amendment of article 14 of the Constitution, relative to finance and taxation.

The joint resolution was read a first and second time by its



title, and referred to the joint committee on amendments to the constitution.

Mr. J. B. Wilson, previous notice having been given, and leave being granted, introduced

A bill to change the boundaries of the counties of Jackson, Ingham, Eaton, Isabella, Clare and Midland, and for other purposes.

The bill was read a first and second time by its title, and

On motion of Mr. Shank,

The bill was laid on the table.

GENERAL ORDER.

On motion of Mr. Pratt,

The House went into committee of the whole on the general order,

Mr. Childs in the chair.

After some time spent therein, the committee rose, and, through the chairman, made the following report :

The committee of the whole have had under consideration the following entitled bills :

A bill to amend section 33, chapter 109, of the revised statutes of 1846, being section 4848 of compiled laws, relative to partition of lands owned by several persons ;

A bill to amend section 6, of chapter 87, of the revised statutes of 1846, being section 3343 of the compiled laws,

Have made no amendments thereto, and have directed their chairman to report the same back to the House, and recommend their passage.

The committee of the whole have also had under consideration the following entitled bill :

A bill to establish and regulate a mining school in the Upper Peninsula,

Have made several amendments thereto, and have directed their chairman to report the same back to the House, asking concurrence therein, and recommend its passage

J. W. CHILDS, *Chairman.*



The first and second named bills were ordered to a third reading.

The amendments to the third named bill were concurred in, and the bill ordered engrossed for a third reading.

Mr. Tibbits asked and obtained the consent of the House to offer the following :

*Resolved*, That when this House adjourn, it adjourn till Monday morning at 9 o'clock A. M.

Mr. Peterson demanded the yeas and nays on the adoption of the resolution.

The demand was seconded, and the resolution was adopted, by yeas and nays, as follows :

#### YEAS.

Mr. Adams,	Mr. Hadley,	Mr. W. N. Stevens,
Bunce,	Hill,	Stewart,
Childs,	Hodges,	Stoddard,
Choate,	Hood,	Taylor,
Chapoton,	Hurd,	Tibbits,
Orego,	Joy,	Toll,
A. W. Davis,	Kelsey,	Wade,
Douglas,	Morrison,	Wallin,
Fallass,	Persons,	Warner,
Foote,	Peters,	Waterbury,
Fowle,	Peterson,	Wetherby,
Gilbert,	Piper,	Winans,
Goodrich,	Ramsdell,	Wright,
A. L. Green,	Read,	Speaker,
N. K. Green,		

#### NAYS.

Mr. Alexander,	Mr. Cox,	Mr. Shank,
Atwood,	Haire,	Smith,
Blakeslee,	Hemingway,	J. B. Wilson,
Cooley,	Miller,	Woodward,

Mr. Taylor asked and obtained the unanimous consent of the House to make the following report :

The special committee to whom was referred

A bill to amend subdivision 2, section 1, of act No. 117, of session laws of 1859,

Has had the same under consideration, and revised the same



as directed, and ask to be discharged from further consideration of the same.

WILLIAM H. TAYLOR, *Committee.*

Report accepted and committee discharged.

On motion of Mr. Joy,

The House concurred in the amendments made by the committee.

On motion of Mr. Taylor,

The bill was placed on the order of third reading.

Mr. Alexander moved that the House adjourn;

Which motion did not prevail.

Mr. Morrison asked the consent of the House to introduce the following concurrent resolution:

*Resolved*, (the Senate concurring,) That the Governor of this State be and he is hereby authorized to appoint five commissioners to proceed forthwith to Washington, and confer with the respective States, or with any association of delegates from such States, and report their doings to the legislature, it being expressly declared that their acts shall be at all times under the control, and subject to the approval of this Legislature.

*Resolved*, (the Senate concurring,) That while we are willing, thus to meet and confer with delegates from other States, upon questions agitating and disturbing the public peace, we believe that the Constitution, if regarded and obeyed, would afford the surest safeguard against every apprehended evil; and that if there exists any real grievance in any section of the country, which it is inadequate to redress, the proper and appropriate method is by an amendment thereto, according to the provisions contained in article five, of that instrument.

Mr. Pringle objected to receiving the same.

The question being upon granting leave,

Mr. Pringle demanded the yeas and nays.

The demand was seconded, and leave was granted, by yeas and nays as follows :



## YEAS.

Mr. Alexander,  
Atwood,  
Bunce,  
Choate,  
Chapoton,  
Cooley,  
Gilbert,  
Goodrich,  
A. L. Green,  
N. K. Green,  
Hadley,  
Hemingway,

Mr. Hill,  
Hurd,  
Joy,  
Kelsey,  
Miller,  
Morrison,  
Persons,  
Peters,  
Piper,  
Shank,  
Smith,  
W. N. Stevens,

Mr. Strong,  
Toll,  
Wallin,  
Warner,  
Waterbury,  
J. B. Wilson,  
Winans,  
Woodman,  
Woodward,  
Wright,  
Speaker,

25

## NAYS.

Mr. Adams,  
Blakeslee,  
Childs,  
Cox,  
Orego,  
A. W. Davis,  
Fallass,  
Foote,  
Fowle,

Mr. Haire,  
Hodges,  
Hood,  
Peterson,  
Pratt,  
Pringle,  
Ramsdell,  
Rankin,

Mr. Read,  
Stewart,  
Stoddard,  
Taylor,  
Tibbits,  
Wade,  
Wetherby,  
Wheeler,

26

Pending the announcement of the vote,

Mr. Piper moved that Mr. Fallass be excused from voting;

Which motion did not prevail.

Mr. Fallass then voted as recorded above.

Mr. A. W. Davis moved that Mr. Pratt be excused from voting;

Which motion did not prevail.

Mr. Pratt then voted as recorded above.

The resolution was laid on the table, under the rules.

On motion of Mr. Hodges,

The House adjourned till Monday morning at 9 o'clock.

*Lansing, Monday, February 18, 1861*

House met pursuant to adjournment, and was called to order  
by the Speaker.

Prayer by Rev. Mr. Gillet.

Roll called : quorum present.

Absent at roll call without leave, Messrs. Toll and Atwood.



Mr. Warner asked and obtained leave of absence for Mr. Toll until Thursday next.

Mr. Cooley asked and obtained leave of absence for Mr. Atwood for an indefinite time, on account of sickness.

PETITIONS PRESENTED.

By Mr. Pratt: petition of the mayor, recorder and board of aldermen, of the city of Saginaw, praying for an appropriation of swamp lands for a road from Saginaw city to Muskegon;

Referred to the committee on public lands.

By Mr. Woodward: petition of Edmund A. Shirts and others, for a change of the name of Edmund A. Shirts to Edmund A. Tanner;

Referred to the committee on judiciary.

By Mr. Douglas: petition of J. R. Jackson and 104 others, for the division of Houghton county;

Also, petition of R. A. Little and 80 others, for the same purpose;

Also, petition of J. H. Forster and 45 others, for the same purpose;

Referred to the committee on towns and counties.

By Mr. Douglas: petition of W. H. Stevens, asking for a State road from Eagle river to Keweenaw Point;

Referred to the committee on public lands.

By Mr. Joy: petition of the president and directors of the Detroit locomotive works to be released from their specific tax;

Referred to the committee on ways and means.

By Mr. Childs: petition of S. H. Hartwell, J. B. Lewis and 20 others, citizens of Washtenaw county, for a county superintendent of schools;

Laid on the table.

By Mr. Childs: petition of S. H. Hartwell and 8 others, citizens of Washtenaw county, asking for some legal provision for the better support of school libraries;

Referred to the committee on education.



## REPORTS OF STANDING COMMITTEES.

By the committee on the judiciary:

The committee on the judiciary, to whom was referred the petition of T. L. Sackett and others, for a law authorizing the township of Clinton to dispose of certain real estate, respectfully report that they have had the said petition under consideration; and are of opinion that the prayer of the petitioners should be granted. The provisions of the Constitution, however, will not admit of the passage of a special act for that purpose, and the committee therefore submit the accompanying bill for a general law permitting all boards of health to dispose of real estate, entitled

A bill to authorize boards of health to dispose of real estate, And recommend that it do pass, and ask to be discharged from the further consideration of the subject.

EUGENE PRINGLE, *Acting Chairman.*

Report accepted and committee discharged.

The bill was read a first and second time; by its title, ordered printed, referred to the committee of the whole, and placed on the general order.

By the committee on engrossment and enrollment:

The committee on engrossment and enrollment report as correctly enrolled the following bill, entitled

A bill to establish and regulate a mining school in the Upper Peninsula.

L. P. ALEXANDER, *Acting Chairman.*

Report accepted.

By the committee on State affairs:

The committee on State affairs, to whom was referred

A bill to amend chapter 75 of the compiled laws, to provide for the homeopathic department in the University of Michigan,

Have had the same under consideration, and directed me to report, that as there are at least 120 homeopathic physicians in this State—so the committee are informed—and as the patrons of these comprise a very large number of the most intelligent tax-paying citizens of the State, and as the claims of the homeo-



pathic physicians and their patrons seem to be founded in justice and equity, we see no reason why the department contemplated in the bill should not be established; and approving of its object, we recommend its passage. But as a report on a subject involving so much of science as this does, is outside of the pursuits of ordinary business men, such as the members of the committee, who have had this bill under consideration, are, we respectfully recommend that the bill be referred to the author thereof, the honorable member from Saginaw, as a special committee, with instructions to report thereon, for the further information of the House, on the subject to which the bill relates, and ask to be discharged from its further consideration.

A. H. MORRISON, *Chairman.*

Report accepted, and committee discharged.

The recommendations of the committee were concurred in, and the bill was referred to Hon. B. L. Hill, as a special committee.

By the committee on towns and counties :

The committee on towns and counties, to whom was referred a petition of certain inhabitants of Cottrelville and Ira, in the county of St. Clair, to attach certain sections of land in the township of Ira to Cottrelville,

Have had the same under consideration, and have directed their chairman to report the accompanying bill to the House, entitled

A bill to restore certain sections of land in the township of Ira, to the township of Cottrelville, in the county of St. Clair,

And recommend its passage, and ask to be discharged from the further consideration of the same.

J. B. WILSON, *Chairman.*

Report accepted and committee discharged.

The bill was read a first and second time by its title, referred to the committee of the whole, and placed on the general order.

By the committee on roads and bridges :

The committee on roads and bridges, to whom was referred



the petition of J. M. Delano, H. H. Selkrig and 65 others, asking an appropriation of lands or money for the construction of a bridge across the Kalamazoo river, in the township of Cooper, Kalamazoo county,

Have had the same under consideration, and report the same back to the House without action, and recommend the same be referred to the committee on public lands, and ask to be discharged from the further consideration of the same.

N. K. GREEN, *Chairman.*

Report accepted and committee discharged.

The recommendations of the committee were concurred in, and the bill was referred to the committee on public lands.

By the committee on roads and bridges :

The committee on roads and bridges, to whom was referred

A bill to provide for laying out and establishing highways upon lines dividing this from other States;

Respectfully report that they have had the same under consideration, and have directed their chairman to report the same back without amendment, and recommend that the same do pass, and ask to be discharged from the further consideration of the same.

N. K. GREEN, *Chairman.*

Report accepted and committee discharged.

The bill was ordered printed, referred to the committee of the whole, and placed on the general order.

By the committee on roads and bridges :

The committee on roads and bridges, to whom was referred the petition of C. F. Harve and 229 others, citizens of Berrien county, praying for the passage of a law to provide for the construction and repair of bridges across the navigable streams of this State ; also, the petition of Daniel Terrere and 74 others, upon the same subject ; also,

A bill to provide for the construction and repair of bridges across the streams of this State ;

Have had the subject under consideration, and instructed me to report the same back, without amendments to the bill, and



recommend the same do pass, and ask to be discharged from the further consideration of the subject.

N. K. GREEN, *Chairman*.

Report accepted and committee discharged.

The bill was ordered printed, referred to the committee of the whole, and placed on the general order.

By the committee on roads and bridges:

The committee on roads and bridges, to whom was referred the petition of Wm. E. Warner and 75 others, citizens of Rawsonville, in the county of Wayne, praying for the passage of a law to tax the counties of Wayne and Washtenaw for the building and repair of bridges over the Huron river,

Have had the same under consideration, and instructed me to report that in the opinion of your committee the present law authorizing the board of supervisors of the several counties of this State to appropriate moneys from the county treasuries for the support of bridges, is adequate for the case in hand, and therefore, in their opinion, no further legislation is required upon the subject.

All of which is respectfully submitted.

N. K. GREEN, *Chairman*.

Report accepted and committee discharged.

By the committee on ways and means:

The committee on ways and means, to whom was referred Senate entitled

A bill to amend an act entitled an act to provide for assessing property at its true value, and for levying and collecting taxes thereon, approved Feb. 14, 1853, and the acts amendatory thereto, approved Feb. 12, 1855, and Feb. 4, 1858,

Have considered the same, and have instructed me to report the same back to the House, and recommend its passage, and ask to be discharged from the further consideration of the same.

JAMES F. JOY, *Chairman*.

Report accepted, and committee discharged.

The bill was referred to the committee of the whole, and placed on the general order.



By the committee on ways and means :

The committee on ways and means, to whom was referred  
Joint resolution for the relief of the people of Kansas,

Have had the same under consideration, and have instructed  
me to report the same back to the House and recommend that  
it do not pass.

In doing so they would respectfully state that it is not from  
any want of sympathy for the people of that suffering State  
—a people both brave, generous and persevering, nay, heroic  
in the cause of freedom and the rights of freemen. Their strug-  
gle for principle, their resistance to the attempt to fasten upon  
their beautiful State an institution not only at variance with  
the moral sentiment of the age and the world, but which par-  
alyzes the industry and prosperity of the people among whom  
it prevails, has been such as to fasten upon them the eyes not  
only of this country, but of the enlightened portion of mankind.

And now, God, in his mysterious providence, has seen fit to  
afflict them with another and almost overwhelming calamity.  
All the circumstances connected with their past history and  
their present condition, appeal most strongly to our deepest  
sympathy. The committee, therefore, most sincerely regret  
that they cannot advise, not only the relief provided for in the  
joint resolution, but to a far greater extent, and which even, in  
our circumstances, would probably have been sanctioned by a  
generous constituency. Still, however, having, upon the fullest  
consideration of the finances of the State, resolved, that so far  
as they are concerned, they can allow nothing to induce them  
to recommend appropriations of money which we have not in  
possession, and cannot have until after a long lapse of time,  
and then by increased taxation, they are compelled, by a sense  
of imperative duty, to advise against the passage of the joint  
resolution. They do this, however, the less reluctantly because  
they observe not only the generous liberality of private citizens,  
but the truly noble and generous appropriation of the legisla-



ture of the rich State of New York of \$50,000, for the relief of that much wronged and now suffering people.

JAMES F. JOY, *Chairman*.

Report accepted and committee discharged.

On motion of Mr. Childs,

The joint resolution was laid on the table.

By the committee on ways and means :

The committee on ways and means, to whom was referred Senate joint resolution, entitled

Joint resolution appropriating the tolls of the St. Mary's canal to the payment of the amount due counties for taxes assessed on canal lands;

Have had the same under consideration, and have instructed me to report the same back to the House and recommend its passage. They further request me to state, that the objects and provisions of the resolution are exactly the same as those of the resolution introduced by the committee of ways and means into the House some time since, and recommended by them. The Senate resolution, having the same merits in other respects, has the additional merit of being much more brief and concise, and as the committee of ways and means do not think their dignity at all impaired when others can improve either their language or suggest better theory than they do, they recommend that the Senate resolution pass, and the other, when reached in the order, be indefinitely postponed.

JAMES F. JOY, *Chairman*.

Report accepted and committee discharged.

The joint resolution was referred to the committee of the whole, and placed on the general order.

By the committee on agriculture and manufactures :

The committee on agriculture and manufactures, to whom was referred

A bill to re-establish and preserve section corners and quarter posts of United States survey,

Have had the same under consideration, and considering it a very important matter, and one more proper to come under



the consideration of the committee on State affairs, have instructed me to report the same back to the House without action, and recommend the same be referred to the committee on State affairs, and ask to be discharged from the further consideration thereof.

JAMES WEBSTER CHILDS, *Chairman*.

Report accepted and committee discharged.

The recommendations of the committee were concurred in, and the bill was referred to the committee on State affairs.

By the committee on State prison :

The committee on State prison, to whom was referred the petition of Wm. H. Chapman, asking that the Legislature, in accordance with that portion of the outgoing Governor's message relating to the State prison, "take immediate measures towards building a new one," and asking that a small appropriation of money, and the detailing of a small portion of convict labor from the Jackson prison for the same,

Would respectfully report that in view of the fact that in a previous report they have recommended the enlargement of the prison at Jackson, and also the building of the House of Correction at Detroit, both of which, it is hoped and expected will be done, and which when complete, it is hoped will amply provide for the safe keeping of convicted persons for the next few years, together with the embarrassed condition of our State finances, no appropriation should at this time be made.

Your committee would further state that the building of said new prison "at or near Lansing," would be materially facilitated by the outcropping sand rock at this place, and at the proper time may be found invaluable in furnishing an excellent material in the construction of the same. From what observation has been made relative to these quarries it is believed they are capable of furnishing a very choice quality of building stone, and too, in inexhaustable quantities. Your committee deplore the necessity that may compel the erection of another State prison, but when the sad events of the future do compel such a step, it is believed that the plan indicated by the petitioner



will be found both economical and wise. In view of the foregoing facts it is recommended that no further action be taken on the subject at this time. All of which they have instructed me to report, and ask to be discharged from the further consideration of the same.

H. B. SHANK, *Chairman.*

Report accepted and committee discharged.

MESSAGE FROM THE GOVERNOR.

The Speaker announced the following :

EXECUTIVE OFFICE,  
*Lansing, February 15, 1861.* }

*To the House of Representatives:*

I have approved and deposited in the office of the Secretary of State the following :

An act to continue the authority of Circuit Court Commissioners after the expiration of their term of office, in certain cases;

Also,

An act to amend section 86, of an act entitled an act to amend chapter 93, of the revised statutes of 1846, entitled of courts held by justices of the peace, the same being section 3738, of the compiled laws;

Also,

An act to amend an act entitled an act to incorporate the village of Bay City, approved February 9, 1859;

Also,

An act to amend an act to amend certain sections of an act to incorporate the city of Flint, approved February 18, 1855, approved February 2, 1857, being act No. 85 of session laws of 1857;

Also,

An act to repeal an act to authorize Bay county to raise money by the issue of bonds, to aid in the construction of a road, approved February 14, 1859;

Also,

An act to attach certain territory to the township of Geneva, in Tuscola county;



Also,

Joint resolution for the transfer of certain scientific works from the State library to the library of the University.

AUSTIN BLAIR

Laid on the table.

MESSAGES FROM THE SENATE.

The Speaker announced the following :

SENATE CHAMBER,  
Lansing, February 18, 1861. }

*To the Speaker of the House of Representatives :*

SIR :—I am instructed by the Senate to transmit the following entitled bill :

A bill to incorporate the city of Coldwater ;

Which has passed the Senate by a majority vote of all the Senators elect, and by a vote of two-thirds of all the Senators elect, been ordered to take effect on the first day of April next, except sections 44, 73, 74, 75 and 76, which sections, so excepted, have been ordered to take immediate effect, in all of which the concurrence of the House is respectfully asked.

Very respectfully,

A. B. TURNER,  
*Secretary of the Senate.*

The bill was read a first and second time by its title, and referred to the committee on banks and incorporations.

Also the following:

SENATE CHAMBER,  
Lansing, February 18, 1861. }

*To the Speaker of the House of Representatives:*

SIR :—I am instructed to return to the House the following entitled bills :

1. A bill to amend sections 1, 4 and 5, title 2, and section 6, of title 4, and sections 5, 6, 7 and 10, of title 5, also by adding a new section to stand as section 20, and sections 37, 38 and 40, of title 6, of an act to incorporate the city of East Saginaw, approved February 15, 1859 ;



2. A bill to amend an act entitled "an act to incorporate the city of Battle Creek," approved February 8, 1859 ;

In the passage of which the Senate has concurred by a majority vote of all the Senators elect, and has ordered the same to take immediate effect by a vote of two-thirds of all the Senators elect.

Very respectfully,

A. B. TURNER,

*Secretary of the Senate.*

The bills were referred to the committee on engrossment and enrollment for enrollment.

Also the following :

SENATE CHAMBER,  
Lansing, February 18, 1861. }

*To the Speaker of the House of Representatives :*

SIR:—I am instructed by the Senate to transmit the following entitled bills :

1. A bill to amend section one, of an act entitled an act to provide for the drainage and reclamation of swamp lands by means of State roads and ditches, being act No. 117 of session laws of 1859 ;

2. A bill to amend section 2, of an act entitled an act to revise the charter of the city of Grand Rapids, approved February 14, 1857 ;

Which have passed the Senate by a majority vote of all the Senators elect, and by a vote of two-thirds of all the Senators elect, been ordered to take immediate effect, and in all of which the concurrence of the House is respectfully asked.

Very respectfully,

A. B. TURNER,

*Secretary of the Senate.*

The first named bill was read a first and second time by its title, and referred to the committee on public lands

The second named bill was read a first and second time by its title, and referred to the committee on towns and counties.

Also the following :



SENATE CHAMBER,  
Lansing, February 18, 1861. }

*To the Speaker of the House of Representatives:*

Sir:—I am instructed by the Senate to transmit the following entitled joint resolution:

Joint resolution relative to the Agricultural College,

Which has passed the Senate by a majority vote of all the Senators elect, and in which the concurrence of the House is respectfully asked.

Very respectfully,

A. B. TURNER,

*Secretary of the Senate.*

The joint resolution was read a first and second time by its title, and referred to the committee on agriculture and manufactures.

Also the following:

SENATE CHAMBER,  
Lansing, February 18, 1861. }

*To the Speaker of the House of Representatives:*

Sir:—I am instructed by the Senate to transmit the following entitled bills:

1. A bill to amend sections one, three, four, five, six and seven, of an act entitled an act to incorporate the fire department of the city of Detroit, approved February 14, 1840, and an act amendatory thereto, approved January 14, 1859;

2. A bill to amend act 201, of the session laws of 1859, relative to the adulteration of alcoholic liquors;

Which have passed the Senate by a majority vote of all the Senators elect, and by a vote of two-thirds of all the Senators elect, been ordered to take immediate effect, and in all of which the concurrence of the House is respectfully asked.

Very respectfully,

A. B. TURNER,

*Secretary of the Senate.*

The first named bill was read a first and second time by its title, and referred to the committee on banks and incorporations.



The second named bill was read a first and second time by its title, and referred to the committee on judiciary.

Also the following :

SENATE CHAMBER,  
Lansing, February 18, 1861. }

*To the Speaker of the House of Representatives :*

SIR :—I am instructed by the Senate to re-transmit the following entitled bill :

A bill to amend section 3563, of the compiled laws relative to proceedings in chancery for the foreclosure of mortgages,

And to inform the House that the Senate refuses to concur in the amendment made in the House. The House is respectfully asked to recede therefrom.

Very respectfully,

A. B. TURNER,

*Secretary of the Senate.*

Mr. Joy moved that the House recede from its amendment to said bill ;

Which motion prevailed, by yeas and nays, as follows :

#### YEAS.

Mr. Adams,  
Baker,  
Blakeslee,  
Bunce,  
Childs,  
Choate,  
Chapoton,  
Cooley,  
Crego,  
A. W. Davis,  
Douglas,  
Fowle,  
Goodrich,  
N. K. Green,  
Hadley,

Mr. Haire,  
Hemingway,  
Hill,  
Hodges,  
Joy,  
Morrison,  
Peters,  
Peterson,  
Piper,  
Pringle,  
Ramsdell,  
Rankin,  
Shank,  
Smith,

Mr. W. N. Stevens,  
Stewart,  
Stoddard,  
Taylor,  
Tibbits,  
Wallin,  
Warner,  
Waterbury,  
Wetherby,  
Wheeler,  
J. B. Wilson,  
Winans,  
Woodward,  
Speaker,

43

#### NAYS.

Mr. Kelsey,

1

Also the following :



SENATE CHAMBER,  
*Lansing, February 18, 1861.*

*To the Speaker of the House of Representatives:*

SIR:—I am instructed by the Senate to transmit the following entitled bill:

A bill to amend section 14, of chapter 184, of the compiled laws, entitled of the action of ejectment;

Which has passed the Senate by a majority vote of all the Senators elect, and in which the concurrence of the House is respectfully asked.

Very respectfully,

A. B. TURNER,

*Secretary of the Senate.*

The bill was read a first and second time by its title, and referred to the committee on judiciary.

**MOTIONS, RESOLUTIONS AND NOTICES.**

Mr. Goodrich gave notice that on some future day he would ask leave to introduce

A bill authorizing a State road west from Lansing through the counties of Ingham, Eaton and Barry, and an appropriation of swamp land thereon.

Mr. Taylor gave notice that on some future day he would ask leave to introduce

A bill to amend act No. 70, session laws of 1857, by striking out sections 5 and 6, and substituting two new sections therefor.

Mr. Adams offered the following:

*Resolved*, (the Senate concurring,) That the Legislature of Michigan, now in session, adjourn *sine die* on Friday, the 8th day of March, 1861, at 12 o'clock, M.

Laid on the table, under the rules.

Mr. Joy gave notice that on some future day he would ask leave to introduce

A bill to amend chapter 63 of the compiled laws, entitled of mining and manufacturing companies;

Also,



A bill for the better security of mechanics and others doing work upon buildings erected in the cities of this State.

Mr. Hill gave notice that on some future day he would ask leave to introduce

A bill to provide for a female college as a branch of the University of the State of Michigan;

Also,

A bill to lay out a State road from New Haven, in Shiawassee county, 6 miles west, through a certain large swamp, to the ridge road, on the west of said swamp, and to drain the swamp;

Also,

A bill to provide for a State road from Chessening, in Saginaw county, to the Junction, in Bay county;

Also,

A bill to provide for an industrial school for girls.

Mr. Hill offered the following :

*Resolved*, That we recommend a voluntary subscription by the members of this Legislature for the relief of the suffering people of Kansas, and that two members of this House be appointed by the Speaker to take charge of such subscription.

Which was adopted.

The Speaker appointed Messrs. Hill and Hurd as such committee.

Mr. Hill gave notice that on some future day he would ask leave to introduce

A bill to provide for a State road from East Saginaw to the plank road from Bay City to Tuscola.

Mr. Blakeslee offered the following :

*Resolved*, That as there is now before this House a large amount of business to be disposed of, and yet to come before it, and which business cannot be accomplished without efficient work in consideration of this session having already consumed nearly the time for the presentation of any new business, that this House, on and after Wednesday evening next, shall hold evening sessions commencing at 7 o'clock P. M.



Mr. Hemingway moved to strike out "Wednesday" and insert "Monday;"

Which amendment was accepted.

On motion of Mr. Shank,

The resolution was laid on the table.

Mr. Jones gave notice that on some future day he would ask leave to introduce,

A bill to drain certain swamps and marshes in the county of Cass, and ask an appropriation of swamp land to accomplish the same.

Mr. Wheeler gave notice that on some future day he would ask leave to introduce

A bill appropriating swamp lands for roads and ditches in St. Joseph county.

Mr. Shank moved to take from the table the following concurrent resolution :

*Resolved*, (the Senate concurring,) That the Attorney General be and is hereby authorized to employ such counsel and incur such other expenses as he may deem necessary, in the suit now pending between the people of the State of Michigan and John McKinney, late State Treasurer, and the Board of State Auditors are hereby authorized and directed to allow the same.

Which motion prevailed.

Mr. Shank then offered the following as a substitute therefor:

*Resolved*, (the Senate concurring,) That the Attorney General be authorized to employ counsel, if he shall deem it needful to aid in the prosecution of John McKinney for embezzlement from the State Treasury, to issue subpoenas, to procure the attendance of witnesses, to procure the depositions of witnesses in all such cases as it is not practicable to procure their personal attendance, and to certify the expense thereof to the Board of State Auditors, who shall audit the same, to be paid from the State Treasury upon the warrant of the Auditor General.

Mr. Pringle moved to strike out the following words from the resolution: "to procure the depositions of witnesses in all such



cases as it is not practicable to procure their personal attendance;"

Which motion prevailed.

Mr. Pringle then moved to amend by striking out the words "to issue subpoenas;"

Which motion prevailed.

The substitute was then adopted.

The question recurring upon the adoption of the resolution, it was adopted.

Mr. Adams gave notice that on some future day he would ask leave to introduce

A bill making appropriations of swamp lands for building a bridge and improvement of a road, by way of ditches, in the township of Cooper, Kalamazoo county.

Mr. Miller gave notice that on some future day he would ask leave to introduce

A bill making appropriation of swamp lands for the improvement of certain roads in Hillsdale county; also for the drainage of certain swamps in said county.

Mr. Alexander gave notice that on some future day he would ask leave to introduce

A bill to lay out and establish a State road from the village of Buchanan, in the county of Berrien, to Lake Michigan, in or near the township of Lake, and from thence to the village of St. Joseph, in said county.

Mr. Rankin, previous notice having been given, and leave being granted, introduced

A bill to provide for improving a certain State road, from the village of Gaines to the village of Flushing, in the county of Genesee.

The bill was read a first and second time by its title, and referred to the committee on roads and bridges.

Mr. Goodrich, previous notice having been given, and leave being granted, introduced

A bill appropriating certain highway taxes for the improvement of a road in the counties of Eaton and Ionia.



The bill was read a first and second time by its title, and referred to the committee on roads and bridges.

Mr. Pratt, previous notice having been given, and leave being granted, introduced

A bill to provide for a State road from Muskegon, in Muskegon county, to intersect the East Saginaw and Sauble State road.

The bill was read a first and second time by its title, and referred to committee on public lands.

Mr. Pratt, previous notice having been given, and leave being granted, introduced

A bill to provide for a State road from the village of Mount Pleasant, in Isabella county, to St. Louis, in Gratiot county.

The bill was read a first and second time by its title, and referred to the committee on public lands.

Mr. Hemingway, previous notice having been given, and leave being granted, introduced

A bill to amend act No. 255, of the laws of 1859, approved February 15, 1859, entitled an act to provide for laying out and establishing a State road from Midland city, in the county of Midland, to St. Charles, in the county of Saginaw.

The bill was read a first and second time by its title, and referred to the committee on public lands.

Mr. Waterbury, previous notice having been given, and leave being granted, introduced

A bill to provide for the laying out and improving of the Fremont State road, in the counties of Sanilac and Lapeer.

The bill was read a first and second time by its title, and referred to the committee on public lands.

Mr. Hill, unanimous consent being given, introduced

A bill to lay out a State road from Little Traverse Bay, via Elk Rapids, to Traverse City, in Grand Traverse county.

The bill was read a first and second time by its title, and referred to the committee on public lands

Mr. Waterbury, unanimous consent being given, introduced

A bill to provide for the laying out and construction of a



State road on the township line between towns 13 and 14 north, in the county of Sanilac.

The bill was read a first and second time by its title, and referred to the committee on public lands.

Mr. Waterbury, unanimous consent being given, introduced  
A bill to provide for the improvement of the Midland City and Sand Beach State road, in the counties of Bay, Tuscola and Huron.

The bill was read a first and second time by its title, and referred to the committee on public lands.

Mr. Waterbury, previous notice having been given, and leave being granted, introduced

A bill to provide for the improvement of the Sanilac and Tuscola State road.

The bill was read a first and second time by its title, and referred to the committee on public lands.

Mr. Waterbury, unanimous consent being given, introduced  
A bill to provide for the improvement of the lake shore road in the counties of Huron and Sanilac.

The bill was read a first and second time by its title, and referred to the committee on public lands.

Mr. Morrison, unanimous consent being given, introduced

A bill to amend section 9 of an act to define the powers and duties of the boards of supervisors of the several counties, and to confer on them certain local, administrative and legislative powers, approved April 8, 1851, the same being section 843 of the compiled laws.

The bill was read a first and second time by its title, and referred to the committee on the judiciary.

Mr. Morrison gave notice that on some future day he would ask leave to introduce

A bill granting an appropriation of swamp lands to the county of Berrien for the drainage of certain swamps and marshes therein.



## THIRD READING OF BILLS AND JOINT RESOLUTIONS.

House bill, entitled

A bill to establish and regulate a mining school in the Upper Peninsula,

Being under consideration,

Mr. Pringle moved that the bill be recommitted to the committee on ways and means, with instructions to inquire in what manner the appropriations therein made will affect the State finances, and that the committee be authorized to make such amendments as they may deem necessary to protect the interests of the State;

Which motion prevailed.

House bill, entitled

A bill to authorize the conveyance of certain portions of section 16, township 1 south, of range 11 west, in the county of Kalamazoo,

Was read a third time and passed, a majority of all the members elect voting therefor, by yeas and nays, as follows:

## YEAS.

Mr. Blakeslee,	Mr. Hill,	Mr. Stewart,
Bunce,	Hodges,	Stoddard,
Childs,	Hood,	Strong,
Choate,	Hurd,	Taylor,
Cooley,	Joy,	Tibbits,
Cox,	Kelsey,	Wade,
Crego,	Miller,	Wallin,
A. W. Davis,	Morrison,	Warner,
Douglas,	Persons,	Waterbury,
Foots,	Peters,	Wetherby,
Fowle,	Peterson,	Wheeler,
Goodrich,	Piper,	J. B. Wilson,
A. L. Green,	Pringle,	Winans,
N. K. Green,	Ramsdell,	Woodman,
Hadley,	Shank,	Wright,
Hemingway,	Smith,	Speaker,

48

## NAYS.

Mr. Gilbert, Mr. Woodward,

2

Title agreed to.

House bill, entitled



A bill to compensate the Detroit Bar Library for the use of their library by the judges of the supreme court;

Being under consideration,

Mr. Fallass moved to commit the bill to the committee on ways and means, with instructions to inquire how said bill would effect the finances of the State;

Which motion did not prevail.

On motion of Mr. Kelsey,

The bill was laid on the table.

House bill, entitled

A bill to attach fractional township 17 north of range 9 east to the township of Caseville,

Was read a third time and passed, a majority of all the members elect voting therefor, by yeas and nays, as follows:

#### YEAS.

Mr. Adams,	Mr. Hemingway,	Mr. Smith,
Alexander,	Hill,	W. N. Stevens,
Baker,	Hodges,	Stewart,
Blakeslee,	Hood,	Stoddard,
Bunce,	Hurd,	Strong,
Childs,	Jones,	Taylor,
Choate,	Joy,	Tibbits,
Chapoton,	Kelsey,	Wade,
Cooley,	Miller,	Wallin,
Cox,	Morrison,	Warner,
Crego,	Persons,	Waterbury,
A. W. Davis,	Peters,	Wetherby,
Fallass,	Peterson,	Wheeler,
Foote,	Piper,	J. B. Wilson,
Fowle,	Pratt,	Winans,
Gilbert,	Pringle,	Woodman,
Goodrich,	Ramsdell,	Wright,
A. L. Green,	Read,	Speaker,
Hadley,	Shank,	

56

#### NAYS.

0

Title agreed to.

On motion of Mr. Pringle,

By a vote of two-thirds of all the members elect, the bill was ordered to take immediate effect.

House bill No. 63, being



A bill to amend section 83, chapter 109, of the revised statutes of 1846, being section 4648 of compiled laws, relative to partition of lands owned by several persons,

Was read a third time and passed, a majority of all the members elect voting therefor, by yeas and nays, as follows:

## YEAS.

Mr. Adams,  
Alexander,  
Baker,  
Blakeslee,  
Bunce,  
Childs,  
Choate,  
Chapoton,  
Cooley,  
A. W. Davis,  
Fallass,  
Gilbert,  
Goodrich,  
A. L. Green,  
Hadley,

Mr. Haire,  
Hemingway,  
Hill,  
Hodges,  
Hurd,  
Joy,  
Kelsey,  
Morrison,  
Persons,  
Peters,  
Peterson,  
Piper,  
Pratt,  
Pringle,

Mr. Ramsdell,  
Read,  
Smith,  
W. N. Stevens,  
Strong,  
Taylor,  
Tibbits,  
Wallin,  
Wetherby,  
Wheeler,  
J. B. Wilson,  
Winans,  
Wright,  
Speaker,

43

## NAYS.

Mr. Woodward,

1

Title agreed to.

House bill No. 61, entitled

A bill to amend section 6, of chapter 87, of the revised statutes of 1846, being section 3343 of the compiled laws,

Was read a third time and passed, a majority of all the members elect voting therefor, by yeas and nays, as follows:

## YEAS.

Mr. Adams,  
Alexander,  
Baker,  
Blakeslee,  
Bunce,  
Childs,  
Choate,  
Chapoton,  
Cooley,  
Cox,  
Crego,  
A. W. Davis,

Mr. A. L. Green,  
Hadley,  
Haire,  
Hemingway,  
Hill,  
Hodges,  
Hurd,  
Jones,  
Joy,  
Kelsey,  
Morrison,  
Persons,

Mr. Ramsdell,  
Smith,  
W. N. Stevens,  
Stoddard,  
Taylor,  
Tibbits,  
Wade,  
Wallin,  
Waterbury,  
Wetherby,  
J. B. Wilson,  
Winans,



Foots,  
Fowle,  
Gilbert,  
Goodrich,

Peterson,  
Piper,  
Pratt,  
Pringle,

Woodman,  
Woodward,  
Speaker,

47

NAYS.

Mr. Stewart,

1

Title agreed to.

On motion of Mr. Pringle,

By a vote of two-thirds of all the members elect, the bill was  
ordered to take immediate effect.

House bill, entitled

A bill to amend subdivision 2, section 1, of act No. 117, of  
session laws of 1859, entitled an act to provide for the drainage  
and reclamation of swamp lands by means of State roads and  
ditches,

Being under consideration,

Mr. Woodman asked and obtained the unanimous consent of  
the House to amend the same by striking out the tenth subdi-  
vision, and inserting in lieu thereof the following :

"10. A road from Paw Paw, by way of Allegan, Holland,  
Ferrysburg, Muskegon, Carlton's Mills, and thence north  
through the counties of Oceana, Mason, Manistee and Grand  
Traverse, to the Grand Traverse Bay, to be called the Paw  
Paw, Allegan, Muskegon and Traverse Bay State road."

Mr. Pringle asked and obtained the unanimous consent of the  
House to amend the bill by striking out the words "subdivision  
two of," in section one.

Pending the third reading of the bill,

Mr. Cooley moved that the bill be recommitted to the com-  
mittee on public lands;

Which motion prevailed.

## GENERAL ORDER.

On motion of Mr. Pringle,

The House went into committee of the whole on the general  
order,

Mr. Wallin in the chair.



After some time spent therein, the committee rose, and through their chairman, made the following report :

The committee of the whole have had under consideration the following entitled bill:

A bill to amend section 7, chapter 82, of the compiled laws, in relation to the sale of the University and Primary School lands,

Have made some amendments thereto, and have directed their chairman to report the same back to the House, asking concurrence therein, and recommend its passage.

F. B. WALLIN, *Chairman*

The House concurred in the amendments made by the committee, and the bill was ordered engrossed for a third reading.

On motion of Mr. Childs,

The House took a recess until 2 o'clock this afternoon.

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AFTERNOON SESSION.

2 o'clock P. M.

The House met and was called to order by the Speaker.

Roll called: quorum present.

Mr. Hill, unanimous consent being given, introduced

A bill to prevent officers and clerks employed in the State Land Office, and in the Auditor General's Office, from purchasing lands at such offices.

The bill was read a first and second time by its title, and referred to the committee on the judiciary.

GENERAL ORDER.

On motion of Mr. Pringle,

The House went into committee of the whole on the general order,

Mr. Morrison in the chair.

After some time spent therein, the committee rose, and, through the chairman, made the following report :

The committee of the whole have had under consideration the following entitled bills:



1. A bill to amend section 5646, chapter 175, of the compiled laws relative to fees of witnesses in civil cases;

2. A bill to amend chapter 82 of the compiled laws, and the acts amendatory thereto;

3. A bill to provide for an additional circuit court commissioner in certain counties;

4. A bill appropriating certain highway taxes for the improvement of the Corunna and Flushing State road, in the county of Shiawassee;

5. A bill to attach certain unorganized territory to the county of Iosco;

6. A bill to organize the township of Wisner;

Senate bill, entitled

7. A bill to amend section 837 of the compiled laws, relative to the collection and return of taxes;

Have made several amendments thereto, and have directed their chairman to report the same back to the House, asking concurrence therein, and recommend their passage.

The committee of the whole have also had under consideration

8. A bill to amend section 5690, chapter 176, of the compiled laws of 1857, relative to fees of witnesses in criminal cases,

And report the same back to the House without recommendation.

The committee of the whole have also had under consideration

9. A bill to amend sections 1 and 2, chapter 154, of the compiled laws,

And report the same back to the House with a recommendation that it be referred to the committee on ways and means.

The committee of the whole have also had under consideration

10. Joint resolution appropriating the tolls of the St. Mary's canal for the payment of the amount due counties for taxes assessed on canal lands, and due the counties,

And report the same back to the House with a recommendation that it be laid on the table.

The committee of the whole have also had under consideration



11. A bill to provide for the floating of logs and timber in the streams of this State,

And report the same back to the House with a recommendation that it be referred to the judiciary committee.

The committee of the whole have also had under consideration the following entitled bills :

12. A bill to amend section two of an act entitled an act relative to the costs of proceedings in criminal cases, approved March 13, 1849;

13. A bill to organize the township of Ka-go-che-wun, in the county of Emmett;

14. A bill to organize the township of Winfield, in the county of Mecosta ;

15. A bill to repeal act No. 48 of session laws of 1859, appropriating certain non-resident taxes on a certain road therein named;

16. A bill to change the name of the township of Little Sauble in the county of Mason ;

17. A bill to organize the township of Big Sauble, in the county of Mason;

18. A bill to amend section five of an act to amend an act to provide for assessing property at its true value, and for levying and collecting taxes thereon, approved February 14, 1853;

Senate bill, being

19. A bill making appropriations for the salaries of State officers for the years 1861 and 1862;

Senate bill, being

20. A bill to authorize the supreme court to appoint a crier;

Have made no amendments thereto, and have directed their chairman to report the same back to the Senate, asking concurrence therein, and recommend their passage.

A. H. MORRISON, *Chairman*.

Report accepted and committee discharged.

The amendment to the first named bill was concurred in, and the bill ordered to a third reading.

The amendments to the second named bill were concurred in.



Mr. Pringle moved to strike out the words "eighty-two of the compiled laws," in lines 1 and 2, and insert in lieu thereof the words "sixty of the revised statutes of 1846;"

Which motion prevailed.

The bill was then ordered engrossed for a third reading.

The amendments to the third named bill were concurred in, and the bill ordered engrossed for a third reading.

The amendments to the fourth named bill were not concurred in, and the bill ordered to a third reading.

The amendments to the fifth, sixth and seventh named bills were concurred in, and the bills ordered to a third reading.

Mr. Pringle moved that the eighth named bill be indefinitely postponed;

Which motion was withdrawn.

On motion of Mr. Atwood,

The bill was laid on the table.

The ninth named bill was referred to the committee on ways and means.

The joint resolution was laid on the table.

The eleventh named bill was referred to the committee on judiciary.

The twelfth, thirteenth, fourteenth, fifteenth, sixteenth and seventeenth named bills were ordered to a third reading.

Mr. Adams moved to amend the eighteenth named bill, by inserting in line 21, after the word "therein," the following:

"Also the land on which such houses of worship may stand, so far as occupied by such houses of worship, and for no other purposes;"

Which motion prevailed.

The bill was then ordered engrossed for a third reading.

The nineteenth and twentieth named bills were ordered to a third reading.

On motion of Mr. Alexander,

The House adjourned till to-morrow morning at 9 o'clock.



*Lansing, Tuesday, February 19, 1861.*

The House met pursuant to adjournment, and was called to order by the Speaker.

Prayer by Rev. Mr. Steele.

Roll called: quorum present.

Mr. Gilbert offered the following:

*Resolved*, That the committee on printing be requested to ascertain why the journal of yesterday is imperfectly printed, and instructed to return it to the printers and procure the usual number of perfect copies;

Which was adopted.

#### PETITIONS PRESENTED.

By Mr. C. Davis: petition of George Bradford and 69 others, for an appropriation of swamp lands, for the improvement of the road from Grand Rapids to Muskegon;

Also, petition of E. H. Wylie and 77 others, for an appropriation of swamp lands for a State road from Muskegon, running east through the counties of Muskegon and Kent;

Referred to the committee on public lands.

By Mr. J. B. Wilson: petition of Wm. W. Barber and 26 others, of Lapeer county, asking an amendment to the 15th subdivision of section 145, of the compiled laws;

Referred to the committee on judiciary.

By Mr. Waterbury: petition of John Malpen and 51 others, asking for the laying out of a State road from Almont, in Lapeer county, to the forks of the Cass river, with an appropriation of swamp land for the construction of the same;

Referred to the committee on public lands.

By Mr. Peters: petition of Nelson Durham, William Corbin and 7 others, citizens of Monroe county, asking a reduction of the price of printing legal notices from 50 to 40 cents per folio;

Referred to the committee on printing.

#### REPORTS OF STANDING COMMITTEES.

By the committee on agriculture and manufactures:

The committee on agriculture and manufactures, to whom was referred



Joint resolution relative to the Agricultural College,

Would respectfully report that they have had the same under consideration, and have amended the same by inserting after the word "postponed," in the third line, the words "until the twentieth day of March next;" and have instructed me to report the said joint resolution back to the House, and recommend that when so amended the same do pass, and ask to be discharged from the further consideration of the same.

J. W. CHILDS, *Chairman.*

Report accepted and committee discharged.

On motion of Mr. Sessions,

The House concurred in the amendment made by the committee.

On motion of Mr. Childs,

The joint resolution was placed on the order of third reading.

By the committee on ways and means:

The committee on ways and means, to whom was referred

A bill to establish and regulate a mining school in the Upper Peninsula,

With instructions to report how the bill, if passed, would affect the finances of the State, have had the same under consideration and have instructed me to report to the House, that owing to the fact that most of the mining companies in the Upper Peninsula have availed themselves of the provisions of chapter 63 of the compiled laws, relative to mining and manufacturing companies, and acts subsequently passed, and under which the specific tax is not one per cent. upon the capital stock paid in, but a per centage upon the number of tons of mineral produced from the mines, the provisions of article 19, section 7, of the constitution, which provides that half of the taxes received into the treasury from mining companies in that Peninsula paying an annual tax of one per cent. shall be paid to the treasurers of the counties from which it is received for the use of the counties, has ceased to be applicable to the corporations existing there, as also have the laws passed having regard to that provision of the constitution. There are now



but one or two companies, perhaps none, paying one per cent. tax, and the amount received from them is only some hundreds, and not some thousands of dollars. The specific taxes, however, of various kinds received from these companies amount to probably some five thousand dollars, and, perhaps, some more than that amount. Of this sum, however, one-half of the few hundreds which come from one or two companies that still pay one per cent. belong to the counties of the Upper Peninsula, all the rest goes into the treasury of the State and belongs to the general fund. The result is that if the bill passes in its present shape, it will be a clear appropriation out of that fund of about two thousand dollars per annum, to support this school.

The committee have not been instructed to amend the bill, and therefore have not done so, but they may suggest that as the counties interested in the amount of taxes to be paid to them, which is now, as has been stated, only a small sum, are willing that it should be applied to endow such a school, there can be no objection to that application, and the fourth section of the bill may be, in that case rendered unobjectionable by an amendment herewith.

JAMES F. JOY, *Chairman.*

Report accepted and committee discharged.

On motion of Mr. Joy,

The House concurred in the amendment made by the committee.

On motion of Mr. Hill,

The bill was ordered engrossed for a third reading.

By the committee on ways and means :

The committee on ways and means, to whom was referred  
A bill to amend sections 1 and 2, of chapter 150, of the compiled laws, relative to mechanics' fees,

Have had the same under consideration, and have instructed me to report that in their judgment the provisions of the bill do not seem adequate to accomplish the end in view, and that its provisions should be extended in such a manner as to protect



the journeyman and laborer, to whom the loss of a small sum of money is often of more importance than the loss of many thousands to the rich man. They have, therefore, prepared a bill, the object of which is to protect not only the sub-contractor but also the laborer, and the provisions of which seem to the committee to be well calculated to attain that end, entitled

A bill for the better security of mechanics and others erecting buildings in this State,

Which they have directed me to report herewith as a substitute for the bill referred to them, and recommend its passage.

JAMES F. JOY, *Chairman.*

Report accepted and committee discharged.

On motion of A. W. Mr. Davis,

The substitute offered by the committee was adopted.

The bill was ordered printed, referred to the committee of the whole, and placed on the general order.

By the committee on roads and bridges :

The committee on roads and bridges, to whom was referred the petition of Albert Thompson and 42 others, asking for an act to authorize the township of Danby, Ionia county, to appropriate the non-resident highway tax of said township for the purpose of building a bridge across Grand river, on section 18 in said township; also, a remonstrance upon the same subject;

Also,

A bill to authorize the township of Danby, Ionia county, to appropriate the non-resident highway tax for building a bridge across Grand river, in said township,

Have had the whole subject under consideration, and instructed their chairman to report the same back without recommendation, and ask to be discharged from the further consideration of the subject.

All of which is respectfully submitted.

N. K. GREEN, *Chairman.*

Report accepted and committee discharged.

On motion of Mr. Green,

The bill and petitions were laid on the table.



By the committee on roads and bridges :

The committee on roads and bridges, to whom was referred the petition of the supervisors of Kent county, asking for an appropriation of swamp lands, on a State road therein named,

Have had the same under consideration, and have requested me to report the accompanying bill :

A bill to amend an act entitled an act to provide for laying out a State road in Ionia, Kent and Barry counties;

Without recommendation, and ask to be discharged from the further consideration of the subject.

N. K. GREEN, *Chairman.*

Report accepted and committee discharged.

The bill was ordered printed, referred to the committee of the whole and placed on the general order.

By the committee on roads and bridges :

The committee on roads and bridges, to whom was referred the petition of T. H. Terwilliger and 83 others,

Respectfully report that they have had the same under consideration, and have instructed their chairman to report the accompanying bill, and recommend the passage of the same, and ask to be discharged from the further consideration of the subject.

N. K. GREEN, *Chairman.*

Report accepted and committee discharged.

The bill was read a first and second time by its title, and

On motion of Mr. Cooley,

The bill was placed on the order of third reading.

By the committee on banks and incorporations :

The committee on banks and incorporations, to whom was referred numerous petitions for an amendment of the constitution so as to allow the passage of a law to incorporate a State Bank, respectfully report the same back to the House, ask to be discharged from further consideration thereof, and recommend that said petitions be referred to the joint committee on constitutional amendments.

EUGENE PRINGLE, *Chairman.*

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Report accepted and committee discharged.

The recommendations of the committee were concurred in, and the petitions were referred to the joint committee on constitutional amendments.

By the committee on banks and incorporations:

The committee on banks and incorporations, to whom was referred Senate bill entitled

A bill to change the name of the village of Willow Creek, in the county of Huron, to Huron City,

Respectfully report that they have had the same under consideration, and return the same to the House without amendment, and recommend the bill do pass, and ask to be discharged from the further consideration thereof.

EUGENE PRINGLE, *Chairman.*

Report accepted and committee discharged.

On motion of Mr. Pringle,

The bill was placed on the order of third reading.

By the committee on banks and incorporations:

The committee on banks and incorporations, to whom was referred

A bill to incorporate the city of Coldwater,

Respectfully report that they have had the same under consideration, that they find the bill unnecessarily prolix in some respects, but generally in the language adopted in other charters granted in the year 1859. It being impracticable to make extensive amendments without re-writing the whole bill, and it being very desirable that the bill should be passed and go into effect immediately, if at all, the committee return the same to the House with only the amendments herewith proposed, and recommend that when so amended it do pass, and ask to be discharged from the further consideration thereof.

EUGENE PRINGLE, *Chairman.*

Report accepted and committee discharged.

On motion of Mr. Childs,

The House concurred in the amendments made by the committee.



On motion of Mr. Pringle,

The rules were suspended, and the bill put upon its final passage.

On motion of Mr. Pratt,

The reading of the bill *in extenso* was dispensed with.

The bill, being Senate bill, entitled,

A bill to incorporate the city of Coldwater,

Was then read a third time and passed, a majority of all the members elect voting therefor, by yeas and nays, as follows :

YEAS.

Mr. Alexander,	Mr. Henderson,	Mr. Shanahan,
Atwood,	Hemingway,	Smith,
Baker,	Hill,	W. N. Stevens,
Blakeslee,	Hodges,	Stewart,
Bunce,	Hood,	Stoddard,
Chase,	Hurd,	Taylor,
Childs,	Jones,	Tibbits,
Choate,	Joy,	Wade,
Chapoton,	Kelsey,	Wallin,
Cooley,	Lockwood,	Warner,
Crego,	Morrison,	Waterbury,
Cutcheon,	Persons,	Wetherby,
C. Davis,	Peters,	Wheeler,
Fallass,	Peterson,	T. M. Wilson,
Follett,	Piper,	J. B. Wilson,
Foots,	Pratt,	Winans,
Gilbert,	Pringle,	Woodman,
Goodrich,	Ramsdell,	Woodward,
A. L. Green,	Read,	Wright,
N. K. Green,	Sessions,	Speaker,
Hadley,	Shank,	

62

NAYS.

Mr. Adams,	Mr. Fowle,	Mr. Lectch,
Cook,	Haire,	Miller,
Cox,		

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Title agreed to.

On motion of Mr. Pringle,

By a vote of two-thirds of all the members elect, the bill was ordered to take effect on the 1st of April next, except sections 44, 70, 71, 72 and 73, which were ordered to take immediate effect.



By the committee on banks and incorporations :

The committee on banks and incorporations, to whom was referred

A bill to reduce the capital stock of the president, directors and company, of the Peninsular Bank,

And also a petition for the same purpose, respectfully report that they have had the same under consideration, have proposed certain amendments to the bill, which are herewith submitted and return the same to the House with the recommendation that the bill do pass, and ask to be discharged from the further consideration thereof.

EUGENE PRINGLE, *Chairman.*

Report accepted and committee discharged

On motion of Mr. Wallin,

The House concurred in the amendments made by the committee.

The bill was ordered printed, referred to the committee of the whole, and placed on the general order.

By the committee on engrossment and enrollment :

The committee on engrossment and enrollment report as correctly engrossed, the following bills :

A bill to amend section 5646, chapter 175, of the compiled laws, relative to fees of witnesses in civil cases;

Also,

A bill to provide for an additional circuit court commissioner in certain counties;

Also,

A bill to amend section 5, of an act to amend an act to provide for assessing property at its true value, and for levying and collecting taxes thereon, approved Feb. 14, 1853;

Also,

A bill to organize the township of Wisner;

Also,

A bill to amend chapter 82 of the compiled laws, and the acts amendatory thereto;

Also,



A bill to attach certain unorganized territory to the county of Iosco;

Also,

A bill to amend section 7, of chapter 82, of the compiled laws, in relation to the sale of the University and Primary School lands.

A. L. GREEN, *Chairman.*

Report accepted.

By the committee on the State library :

The committee on the State Library, to whom was referred the report of the State Librarian, beg leave to submit the following:

They have taken some time to inspect the condition of the library, and compare it with the report, and take pleasure in testifying to the correctness of the report and the excellent manner in which the library is kept and conducted by the present faithful and efficient Librarian.

They would remind you of the fact stated in the report, that there are several imperfect and broken sets in the library, which it seems quite important to your committee should be made whole, as the books are such as are frequently needed by the Supreme Court when in session, and for reference by the Attorney General and other State officers. They herewith report a bill appropriating five hundred dollars for the year 1861, and a like sum for the year 1862, to be expended under the joint direction of the Governor, Chief Justice of the Supreme Court, and the Librarian, in the purchase of books and for insuring the library, which has never yet been insured, there having been no funds set apart for that purpose by any previous legislature, thus leaving the State liable to a loss which would be irreparable. Our library is not one of the institutions of which we have reason to be proud, and considering the interest felt throughout the State in the cause of education, the stranger might well be surprised at our small and imperfect collection of books, and the meagre sum proposed to be appropriated by this bill; and were it not for the extreme depletion of the treasury your com-



mittee could not be induced to recommend so small an amount, while all the States of which your committee have any knowledge appropriate annually from \$1,500 to \$6,000 for the support of like institutions.

All of which is respectfully submitted.

F. B. WALLIN, *Chairman.*

Report accepted and committee discharged.

The bill was read a first and second time by its title, and, in accordance with the recommendations of the committee, was referred to the committee on ways and means.

By the committee on printing :

The committee on printing, who were instructed by resolution of this House to ascertain why the journal of yesterday is imperfectly printed, and to return it to the printers and procure the usual number of perfect copies, would respectfully report the accompanying communication from the State Printers to the Speaker of this House ; and further report that the chairman of the committee on printing is satisfied, from his own observation, that Messrs. Hosmer & Kerr knew nothing of the imperfect printing of the journal until the undersigned drew their attention to the fact.

Respectfully submitted,

F. H. RANKIN, *Chairman.*

Report accepted.

The following is the communication :

OFFICE OF THE LANSING STATE REPUBLICAN, }  
Lansing, February 19, 1861. }

To the Speaker of the House of Representatives :

Pursuant to a resolution of the House of Representatives, the undersigned would most respectfully state, that the erroneous printing of the journal of Monday, was the fault of the foreman of the printing office. It is true that he found difficulty in reading a portion of the manuscript from which the journal was set, but that circumstance furnished no excuse for the wanton act of allowing the journal to go to press in the condition in which it appeared. The undersigned deeply regret the occur-

For the undersigned deeply regret the occur-



rence, in which, personally, they had no participation, and will at once suppress the defective journal, so far as possible, and will print it correctly at once, at their own expense.

Very respectfully,

HOSMER & KERR,

*Contractors for Printing, &c.*

By the committee on printing :

The committee on printing, to whom was referred the petition of Michael Keegan and eleven others, citizens of Monroe county, for an amendment of the law so as to authorize townships to elect two assessors, and also to reduce the rate of advertising in newspapers;

Have have had the same under consideration, and find the present statute rates for publishing legal notices in Michigan, are fifty per cent. lower than the statute rates in the State of New York, where publishers of newspapers do not usually pay their workmen higher wages, and can buy their stock cheaper than publishers in Michigan. From the best information your committee can obtain, they are of opinion that the price of this kind of advertising, (to which it is presumed the petitioners refer,) as now fixed by law in Michigan, is as low as publishers of newspapers can afford to do it without loss. They have, therefore, instructed me to return the petition to the House, and report that in their judgment it is not expedient to make the amendment in the law, last mentioned in the petition.

The committee offer no opinion upon the prayer of that part of the petition which refers to the election of assessors, but recommend that so much of the petition as relates to that subject be referred to the committee on towns and counties.

Respectfully submitted.

F. H. RANKIN, *Chairman*.

Report accepted and committee discharged.

The petition was laid on the table.

By the committee on towns and counties :

The committee on towns and counties, to whom was referred a petition for the organization of Leelanaw county, direct



me to report in favor of granting the prayer of the petitioners, and in accordance herewith, have reported a bill, entitled

A bill to organize the county of Leelanaw,

Which we ask leave to introduce, with the recommendation that it do pass, and ask to be discharged from the further consideration of the same.

J. B. WILSON, *Chairman.*

Report accepted and committee discharged.

The bill was read a first and second time, by its title, ordered printed, referred to the committee of the whole, and placed on the general order.

#### REPORTS OF SELECT COMMITTEES.

By the special committee on establishing a homeopathic department in the University:

The select committee to whom was referred

A bill to amend chapter 75 of the compiled laws, to provide for the homeopathic department in the University of Michigan,

Respectfully report that they have had the said bill under consideration, have made no amendments thereto, and return the same to the House without amendment, recommend its passage, and ask to be discharged from the further consideration of the subject.

Respectfully submitted.

B. L. HILL.

Report accepted and committee discharged.

Mr. Pringle offered the following:

*Resolved*, That the bill be referred to a special committee, to consist of Messrs. Shank, Adams, Fallas, Foote and Brownell, for further elucidation.

Mr. Wallin moved to add the name of Mr. A. W. Davis to the committee.

Mr. Jones moved to substitute the name of Mr. Wallin for that of Mr. A. W. Davis ;

Which motion prevailed.

The amendment was then adopted.



Mr. Pratt moved to add the name of Mr. Peters to the committee ;

Which motion prevailed.

The question recurring upon the adoption of the resolution, it was not adopted.

The bill was ordered printed, referred to the committee of the whole, and placed on the general order.

#### MOTIONS, RESOLUTIONS AND NOTICES.

Mr. O. Davis gave notice that on some future day he would ask leave to introduce

A bill for the protection of the improvement and navigation of Muskegon river ;

Also,

A bill to lay out and establish a State road from Fulkerson's, in Kent county, to White river, in Oceana County.

Mr. Cutcheon moved that the committee of the whole be discharged from the further consideration of House bill No. 102, entitled

A bill to provide for a county superintendent of schools, and to amend and repeal certain sections of the primary school laws, and to repeal sections 74, 85, 86, 88, 89 and 90, of chapter 78, of the compiled laws ;

Which motion did not prevail.

Mr. Childs gave notice that on some future day he would ask leave to introduce

A bill to provide for the laying out a State road in the county of Washtenaw.

Mr. Wallin gave notice that on some future day he would ask leave to introduce

A bill to change the name of the township of Newark, in Allegan county.

Mr. Pringle gave notice that on some future day he would ask leave to introduce

A bill to authorize the Jackson county Agricultural Society to mortgage certain real estate ;

Also,



A bill to authorize the Grass Lake Baptist Society to convey certain real estate to school district No. 9, of Grass Lake.

Mr. Read gave notice that on some future day he would ask leave to introduce

A bill to amend sections 11 and 12, of chapter 22, of the compiled laws, relative to laying out, altering, and discontinuing public roads.

Mr. Kelsey gave notice that on some future day he would ask leave to introduce

A bill to lay out and construct a State road from the east line of Fairfield to the west line of New Haven, through certain swamp lands in the county of Shiawassee.

Mr. Lockwood gave notice that on some future day he would ask leave to introduce

A bill to amend the act in relation to chattel mortgages.

Mr. Lockwood moved that House bill, entitled

A bill to amend certain sections of an act entitled an act to establish a House of Correction for juvenile offenders, approved February 10th, 1855, as amended by an act entitled an act to amend certain sections of an act entitled an act to establish a House of Correction for juvenile offenders, approved February ninth, eighteen hundred and fifty-five, approved February 10th, 1857, and to amend section two of said last mentioned act,

Be made the special order for Friday afternoon at 2 o'clock;  
Which motion did not prevail.

On motion of Mr. Lockwood,

The bill was referred to the committee of the whole, and placed on the general order.

Mr. A. W. Davis moved that House bill, entitled

A bill to provide a military force and fund,

Be referred to the committee of the whole, and placed on the general order;

Which motion prevailed, and the bill was so referred.

Mr. Waterbury gave notice that on some future day he would ask leave to introduce

A bill to provide for the laying out and constructing a State



road from the village of Forrester, in the county of Sanilac, to intersect the Pt. Austin and Sanilac State road, in the same county.

Mr. Pratt gave notice that on some future day he would ask leave to introduce

A bill to amend section 15, of chapter 175 of compiled laws, relative to fees of justices of the peace in civil cases.

Mr. Hill gave notice that on some future day he would ask leave to introduce

A bill to provide for a State road from East Saginaw, via Watrousville, to Forrestville, in Sanilac county.

Mr. J. B. Wilson gave notice that on some future day he would ask leave to introduce

A bill to amend the 15th subdivision of section 145, of the compiled laws, entitled an act to define the powers and duties of the boards of supervisors of the several counties, and to confer upon them certain local, administrative and legislative powers.

Mr. Cooley gave notice that on some future day he would ask leave to introduce

A bill to repeal act No. 200 of the session laws of 1859, entitled an act to encourage the manufacture of salt in the State of Michigan.

Mr. Hodges gave notice that on some future day, he would ask leave to introduce

A bill for constructing a ditch in the townships of Riga and Blissfield, and ask for an appropriation of swamp lands for the same.

Mr. Warner gave notice that on some future day he would ask leave to introduce

A bill to confer certain powers upon the board of supervisors of the counties of Marquette and Delta.

Mr. Lockwood gave notice that on some future day he would ask leave to introduce

A bill to attach the county of Manitou to the county of Emmet, for judicial purposes.



Mr. Hood, unanimous consent being given, introduced

A bill making appropriations of State swamp lands, in and for the counties of Wayne and Monroe.

The bill was read a first and second time by its title, and referred to committee on public lands.

Mr. Waterbury, previous notice having been given, and leave being granted, introduced

A bill to provide for the improvement of the Port Austin and Sanilac State road, in the counties of Huron and Sanilac.

The bill was read a first and second time by its title, and referred to the committee on public lands.

Mr. Wright, unanimous consent being given, introduced

A bill to establish a State road in Manitou county, and appropriating swamp lands to aid in constructing the same.

The bill was read a first and second time by its title, and referred to the committee on public lands.

Mr. C. Davis, previous notice having been given, and leave being granted, introduced

A bill to lay out a State road from Nunica, in Ottawa county, to Muskegon, and for a grant of swamp lands therefor, and also for improving the road from Grand Rapids to Muskegon.

The bill was read a first and second time by its title, and referred to the committee on public lands.

Mr. Pratt, previous notice having been given, and leave being granted, introduced

A bill to provide for a State road from the village of Mt. Pleasant, in Isabella county, by the way of Alma, in Gratiot county, to the east line of town eleven north, of range three west.

The bill was read a first and second time by its title, and referred to the committee on public lands.

Mr. J. B. Wilson, previous notice having been given, and leave being granted, introduced

A bill to provide for laying out a swamp land State road, in the counties of Lapeer and Tuscola.



The bill was read a first and second time by its title, and referred to the committee on public lands.

Mr. Pringle, previous notice having been given, and leave being granted, introduced

A bill to provide for the appointment of examiners in chancery.

The bill was read a first and second time by its title, and referred to the committee on the judiciary.

Mr. Woodward gave notice that on some future day he would ask leave to introduce

A bill to change the name of Edmund A. Shirts to Edmund A. Tanner.

The bill was read a first and second time by its title, and referred to the committee on the judiciary.

Mr. Shank, unanimous consent being given, introduced

A bill to provide for the improvement of a certain road in the township of Alaiedon.

The bill was read a first and second time by its title, and referred to the committee on public lands.

Mr. T. M. Wilson, unanimous consent being given, introduced

A bill to provide for the purchase of a collection of the township laws for the several townships of the State.

The bill was read a first and second time by its title, and referred to the committee on towns and counties.

Mr. Bunce, previous notice having been given, and leave being granted, introduced

A bill to attach certain territory, in the county of St. Clair, to the township of Port Huron, in said county.

The bill was read a first and second time by its title, and referred to the committee on towns and counties.

Mr. Atwood, previous notice having been given, and leave being granted, introduced

A bill to repeal act No. 177, of the session laws of 1859, being an act further to preserve the purity of elections, and guard against the abuses of the elective franchise, by a registration of electors, approved February 14, 1859.



The bill was read a first and second time by its title, and referred to the committee on the judiciary.

Mr. Morrison, unanimous consent being given, introduced

A bill to divide the State into six congressional districts.

The bill was read a first and second time by its title, and referred to the committee on State affairs.

Mr. Jones, previous notice having been given, and leave being granted, introduced

A bill to vest the title of certain swamp lands, in the townships of Lansing and Meridian, in the county of Ingham, and the townships of Dewitt and Bath, in the county of Clinton, in the State board of education, for the use of the agricultural college.

The bill was read a first and second time by its title, and referred to the committee on agriculture and manufactures.

Mr. Goodrich, previous notice having been given, and leave being granted, introduced

A bill to lay out and construct a State road from Lansing, in the county of Ingham, to Vermontville, in the county of Eaton, and to appropriate swamp lands to aid in constructing the same.

The bill was read a first and second time by its title, and referred to the committee on public lands.

Mr. Hurd, previous notice having been given, and leave being granted, introduced

A bill to legalize a certain highway in township No. 4 south, range number 7, west.

The bill was read a first and second time by its title, and referred to the committee on roads and bridges.

Mr. Alexander, previous notice having been given, and leave being granted, introduced

A bill to amend sections 188 and 193, of chapter 117, compiled laws of 1857, relative to entrance fees of appealed suits in circuit or district courts.

The bill was read a first and second time by its title, and referred to the committee on judiciary.



Mr. Alexander, previous notice having been given, and leave being granted, introduced

A bill to amend an act No. 176, approved February 14, 1859, relative to the protection of game.

The bill was read a first and second time by its title, and referred to the committee on State affairs.

Mr. Childs, previous notice having been given, and leave being granted, introduced

A bill to amend sections 3, 4, 6 and 12, of an act entitled an act authorizing the commissioners of highways of townships to establish water courses, and locate ditches, in certain cases.

The bill was read a first and second time by its title, and referred to the committee on agriculture and manufactures.

Mr. Taylor, previous notice having been given, and leave being granted, introduced

A bill to authorize the election of superintendents of county poor.

The bill was read a first and second time by its title, and referred to the committee on the judiciary.

Mr. Adams, previous notice having been given, and leave being granted, introduced

A bill making appropriations of swamp lands to aid in the construction of a bridge across the Kalamazoo river, in the township of Cooper, Kalamazoo county.

The bill was read a first and second time by its title, and referred to the committee on public lands.

Mr. Beamer, previous notice having been given, and leave being granted, introduced

A bill to incorporate the village of Muskegon.

The bill was read a first and second time by its title, and referred to the committee on towns and counties.

#### THIRD READING OF BILLS AND JOINT RESOLUTIONS.

House bill, entitled

A bill appropriating certain highway taxes for the improvement of the Cerrina and Flushing State road, in the county of Shiawassee,



Was read a third time and passed, a majority of all the members elect voting therefor, by yeas and nays, as follows:

## YEAS.

Mr. Blakeslee,	Mr. Hadley,	Mr. Rankin,
Bunce,	Haire,	Sessions,
Chase,	Henderson,	Shanahan,
Choate,	Hemingway,	Smith,
Cook,	Hill,	W. N. Stevens,
Cox,	Hodges,	Stewart,
Crego,	Hurd,	Stoddard,
A. W. Davis,	Joy,	Taylor,
Fallass,	Kelsey,	Tibbits,
Follett,	Lockwood,	Warner,
Footte,	Morrison,	Wetherby,
Fowle,	Persons,	Wheeler,
Gilbert,	Peterson,	T. M. Wilson,
Goodrich,	Piper,	J. B. Wilson,
A. L. Green,	Pringle,	Wright,
N. K. Green,	Ramsdell,	Speaker, 48
	NAYS.	0

Title agreed to.

On motion of Mr. Kelsey,

By a vote of two-thirds of all the members elect, the bill was ordered to take immediate effect.

House bill No. 77, entitled

A bill to attach certain unorganized territory to the county of Iosco,

Was read a third time and passed, a majority of all the members elect voting therefor, by yeas and nays, as follows:

## YEAS.

Mr. Atwood,	Mr. N. K. Green,	Mr. Shanahan,
Bunce,	Hadley,	W. N. Stevens,
Chase,	Haire,	Stewart,
Childs,	Henderson,	Stoddard,
Choate,	Hemingway,	Strong,
Cook,	Hill,	Taylor,
Cooley,	Hodges,	Tibbits,
Cox,	Hood,	Wade,
Crego,	Hurd,	Warner,
Cutcheon,	Joy,	Waterbury,
A. W. Davis,	Kelsey,	Wetherby,
C. Davis,	Leetch,	Wheeler,
Douglas,	Morrison,	J. B. Wilson,



Fallass,  
Follett,  
Foote,  
Gilbert,  
Goodrich,  
A. L. Green,

Peterson,  
Piper,  
Pratt,  
Pringle,  
Sessions,

Winans,  
Woodman,  
Woodward,  
Wright,  
Speaker,

55

NAYS.

0

Title agreed to.

On motion of Mr. J. B. Wilson,

By a vote of two-thirds of all the members elect, the bill was ordered to take immediate effect.

House bill No. 76, entitled

A bill to organize the township of Wisner,

Being under consideration,

Mr. Follett moved to lay the bill on the table;

Which motion did not prevail.

The bill was then read a third time and passed, a majority of all the members elect voting therefor, by yeas and nays, as follows:

YEAS.

Baker,  
Blakeslee,  
Bunce,  
Chase,  
Childs,  
Choate,  
Cook,  
Cooley,  
Cox,  
Crego,  
A. W. Davis,  
C. Davis,  
Douglas,  
Fallass,  
Foote,  
Fowle,  
Gilbert,  
Goodrich,  
A. L. Green,  
N. K. Green,

Mr. Hadley,  
Haire,  
Henderson,  
Hill,  
Hodges,  
Hood,  
Hurd,  
Jones,  
Joy,  
Kelsey,  
Leetch,  
Lockwood,  
Morrison,  
Persons,  
Peters,  
Peterson,  
Pratt,  
Pringle,  
Ramsdell,  
Rankin,

Mr. Read,  
Sessions,  
Shanahan,  
Smith,  
W. N. Stevens,  
Stewart,  
Stoddard,  
Strong,  
Taylor,  
Tibbits,  
Wade,  
Warner,  
Wetherby,  
Wheeler,  
T. M. Wilson,  
J. B. Wilson,  
Woodward,  
Wright,  
Speaker,

59

NAYS.

Mr. Atwood,

Mr. Winans,

2



Title agreed to.

On motion of Mr. Stoddard,

By a vote of two-thirds of all the members elect, the bill was ordered to take immediate effect.

House bill, No. 68, entitled

A bill to amend section 7, chapter 82, of the compiled laws, in relation to the sale of the University and Primary School lands,

Was read a third time and passed, a majority of all the members elect voting therefor, by yeas and nays, as follows:

YEAS.

Mr. Alexander,	Mr. A. L. Green,	Mr. Read,	
Atwood,	N. K. Green,	Sessions,	
Baker,	Hadley,	Shanahan,	
Blakeslee,	Haire,	Smith,	
Bunce,	Henderson,	W. N. Stevens,	
Chase,	Hill,	Stewart,	
Childs,	Hodges,	Stoddard,	
Choate,	Hood,	Strong,	
Cook,	Hurd,	Taylor,	
Cooley,	Jones,	Tibbits,	
Cox,	Joy,	Wade,	
Crego,	Kelsey,	Warner,	
A. W. Davis,	Leetch,	Wetherby,	
C. Davis,	Morrison,	Wheeler,	
Douglas,	Peters,	T. M. Wilson,	
Fallass,	Peterson,	J. B. Wilson,	
Follett,	Piper,	Winans,	
Foots,	Pratt,	Woodman,	
Fowle,	Pringle,	Woodward,	
Gilbert,	Ramsdell,	Wright,	
Goodrich,	Rankin,	Speaker,	63

NAYS.

0

The question being upon agreeing to the title,

Mr. Pringle moved to amend the same by striking out the figures and words, "82, of the compiled laws," and insert in lieu thereof, "60, of the revised statutes of 1846,"

Mr. Cooley moved to amend the amendment so as to retain the words moved to be stricken out, and insert after the word "laws," the words "chapter 60 of the revised statutes of 1846;"

Which motion prevailed.



Mr. Pringle moved to reconsider the vote by which the amendment was adopted ;

Which motion prevailed.

The amendment was then withdrawn.

Mr. Pringle then moved to further amend the title by adding thereto the words, in brackets, "section 2450, compiled laws,"

Which motion prevailed.

Mr. Pringle moved to reconsider the vote by which the bill was passed;

Which motion prevailed.

Mr. Pringle then moved to amend the first section of the bill by striking out in the first line the words and figures, "82 of the compiled laws," and insert in lieu thereof, "60 of the revised statutes of 1846;"

Which motion prevailed.

The bill was then read a third time and passed, a majority of all the members elect voting therefor, by yeas and nays, as follows:

#### YEAS.

Mr. Adams,  
Alexander,  
Atwood,  
Baker,  
Blakeslee,  
Bunce,  
Chase,  
Childs,  
Choate,  
Cook,  
Cooley,  
Crego,  
A. W. Davis,  
C. Davis,  
Douglas,  
Fallass,  
Follett,  
Foote,  
Fowle,  
Gilbert,  
Goodrich,  
A. L. Green,

Mr. N. K. Green,  
Hadley,  
Haire,  
Henderson,  
Hemingway,  
Hill,  
Hodges,  
Hurd,  
Joy,  
Kelsey,  
Leetch,  
Lockwood,  
Miller,  
Morrison,  
Persons,  
Peters,  
Peterson,  
Piper,  
Pratt,  
Pringle,  
Ramsdell,

Mr. Rankin,  
Read,  
Sessions,  
Shanahan,  
Smith,  
W. N. Stevens,  
Stewart,  
Stoddard,  
Strong,  
Taylor,  
Tibbits,  
Wade,  
Warner,  
Wetherby,  
Wheeler,  
T. M. Wilson,  
Winans,  
Woodman,  
Woodward,  
Wright,  
Speaker,

#### NAYS.



Title agreed to.

On motion of Mr. Morrison,

The House took a recess until 2 o'clock this afternoon.

—  
AFTERNOON SESSION.

2 o'clock P. M.

The House met and was called to order by the Speaker.

Roll called: quorum present.

Mr. Atwood moved to take from the table

A bill to change the boundaries of the counties of Jackson, Ingham, Eaton, Isabella, Clare and Midland, and for other purposes.

Which motion prevailed.

On motion of Mr. Atwood,

The bill was recommitted to the committee on towns and counties.

THIRD READING OF BILLS AND JOINT RESOLUTIONS.

House bill, entitled

A bill to amend section 5 of an act to amend an act to provide for assessing property at its true value, and for levying and collecting taxes thereon, approved February 14, 1853,

Was read a third time and passed, a majority of all the members elect voting therefor, by yeas and nays, as follows :

YEAS.

Mr. Adams,  
Alexander,  
Atwood,  
Baker,  
Bunce,  
Chase,  
Childs,  
Choate,  
Chapoton,  
Cook,  
Cooley,  
Cox,  
Crego,  
Cutcheon,

Mr. Gilbert,  
Goodrich,  
Hadley,  
Haire,  
Henderson,  
Hodges,  
Hood,  
Hurd,  
Jones,  
Joy,  
Kelsey,  
Lockwood,  
Miller,  
Morrison,

Mr. Ramsdell,  
Read,  
Sessions,  
Smith,  
W. N. Stevens,  
Stewart,  
Stoddard,  
Strong,  
Taylor,  
Tibbits,  
Wade,  
Wallin,  
Warner,  
Waterbury,



A. W. Davis,  
C. Davis,  
Douglas,  
Fallass,  
Follett,  
Foote,  
Fowle,

Moore,  
Persons,  
Peters,  
Peterson,  
Piper,  
Pratt,  
Pringle,

Wetherby,  
T. M. Wilson,  
J. B. Wilson,  
Winans,  
Woodward,  
Wright,  
Speaker, 63

NAYS. 0

Title agreed to.

House bill No. 69, being

A bill to amend chapter 82 of the compiled laws, and the acts amendatory thereto,

Was read a third time and passed, a majority of all the members elect voting therefor, by yeas and nays, as follows:

YEAS.

Mr. Adams,  
Alexander,  
Atwood,  
Baker,  
Blakeslee,  
Bunce,  
Chase,  
Childs,  
Choate,  
Chapoton,  
Cook,  
Cooley,  
Cox,  
Crego,  
Cutcheon,  
A. W. Davis,  
C. Davis,  
Douglas,  
Fallass,  
Follett,  
Foote,  
Fowle,

Mr. Gilbert,  
Goodrich,  
A. L. Green,  
Hadley,  
Haire,  
Henderson,  
Hodges,  
Hood,  
Hurd,  
Jones,  
Joy,  
Kelsey,  
Leetch,  
Lockwood,  
Morrison,  
Persons,  
Peters,  
Peterson,  
Piper,  
Pratt,  
Pringle,  
Ramsdell,

Mr. Reed,  
Sessions,  
Shanahan,  
Smith,  
W. N. Stevens,  
Stewart,  
Strong,  
Taylor,  
Tibbits,  
Wade,  
Wallin,  
Warner,  
Waterbury,  
Wetherby,  
T. M. Wilson,  
J. B. Wilson,  
Winans,  
Woodman,  
Woodward,  
Wright,  
Speaker,

65

NAYS. 0

The question being upon agreeing to the title,

Mr. Pringle moved to amend the same by striking out the words and figures, "82 of the compiled laws," and insert in lieu thereof "60 of the revised statutes of 1846;"



Which motion prevailed.

The title, as amended was then agreed to.

On motion of Pringle,

By a vote of two-thirds of all the members elect, the bill was ordered to take immediate effect.

House bill No. 66, entitled

A bill to amend section 5646, chapter 175, of the compiled laws, relative to fees of witnesses in civil cases,

Was read a third time, and a majority of all the members elect not voting therefor, was not passed, by yeas and nays, as follows:

#### YEAS.

Mr. Alexander,  
Atwood,  
Bunce,  
Chase,  
Cook,  
Cooley,  
Crego,  
Cutcheon,  
Douglas,  
Fallass,

Mr. Gilbert,  
Goodrich,  
Jones,  
Joy,  
Lockwood,  
Morrison,  
Peterson,  
Pratt,  
Ramsdell,  
Sessions,

Mr. Smith,  
W. N. Stevens,  
Stewart,  
Wade,  
Wallin,  
Waterbury,  
T. M. Wilson,  
Winans,  
Speaker,

29

#### NAYS.

Mr. Adams,  
Baker,  
Blakeslee,  
Childs,  
Choate,  
Chapoton,  
Cox,  
A. W. Davis,  
C. Davis,  
Follett,  
Foote,  
Fowle,

Mr. A. L. Green,  
Hadley,  
Haire,  
Hodges,  
Hood,  
Hurd,  
Kelsey,  
Leetch,  
Miller,  
Persons,  
Peters,

Mr. Read,  
Shanahan,  
Strong,  
Taylor,  
Tibbits,  
Warner,  
Wetherby,  
J. B. Wilson,  
Woodman,  
Woodard,  
Wright,

84

House bill No. 37, entitled

A bill to provide for an additional circuit court commissioner in certain counties,

Being under consideration,

On motion of Mr Morrison,

The bill was laid on the table.



Senate bill, being

A bill to amend section 837 of the compiled laws, relative to the collection and return of taxes,

Was read a third time and passed, a majority of all the members elect voting therefor, by yeas and nays, as follows :

YEAS.

Mr. Adams,	Mr Gilbert,	Mr. Read,
Alexander,	Goodrich,	Sessions,
Atwood,	A. L. Green,	Shanahan,
Baker,	Hadley,	Smith,
Blakeslee,	Haire,	W. N. Stevens,
Bunce,	Henderson,	Stewart,
Chase,	Hodges,	Strong,
Childs,	Hood,	Taylor,
Choate,	Hurd,	Tibbits,
Cutcheon,	Joy,	Wade,
Cook,	Kelsey,	Wallin,
Cooley,	Leetch,	Warner,
Cox,	Lockwood,	Waterbury,
Crego,	Miller,	Wetherby,
Cutcheon,	Morrison,	T. M. Wilson,
A. W. Davis,	Moore,	J. B. Wilson,
C. Davis,	Persons,	Winans,
Douglas,	Peters,	Woodward,
Fallass,	Peterson,	Woodman,
Follett,	Pringle,	Wright,
Foote,	Ramsdell,	Speaker,
Fowle,	Rankin,	

65

NAYS.

0

The question being upon agreeing to the title,

Mr. Pringle moved to amend the same by striking out all after the word "section," and insert in lieu thereof the following : "55, of an act entitled an act to provide for assessing property at its true value, and for levying and collecting taxes thereon, approved February 14, 1853 ;"

Which motion prevailed.

The title as amended was then agreed to.

On motion of Mr. Childs,

By a vote of two-thirds of all the members elect, the bill was ordered to take immediate effect.

Senate bill, being



A bill to authorize the supreme court to appoint a crier,

Was read a third time and passed, a majority of all the members elect voting therefor, by yeas and nays, as follows:

## YEAS.

Mr. Adams,	Mr. Gilbert,	Mr. Read,
Alexander,	Goodrich,	Sessions,
Baker, \	A. L. Green,	Shanahan,
Bunce,	Hadley,	Smith,
Chase,	Hodges,	W. N. Stevens,
Childs,	Hurd,	Stewart,
Choate,	Joy,	Taylor,
Chapoton,	Kelsey,	Tibbits,
Cook,	Lockwood,	Wade,
Cooley,	Miller,	Wallin,
Crego,	Morrison,	Warner,
Outcheon,	Persons,	Waterbury,
C. Davis,	Peterson,	Wetherby,
Douglas,	Piper,	Wheeler,
Fallass,	Pratt,	T. M. Wilson,
Follett,	Pringle,	Wright,
Foote,	Ramsdell,	Speaker,
Fowle,	Rankin,	

58

## NAYS.

Mr. Blakeslee,	Mr. Jones,	Mr. J. B. Wilson,
Cox,	Leetch,	Winans,
A. W. Davis,	Peters,	Woodman,
Haire,	Strong,	Woodward,
Hood,		

13

Title agreed to.

House bill, entitled

A bill to organize the township of Big Sauble, in the county of Mason,

Being under consideration,

Mr. Ramsdell asked and obtained the unanimous consent of the House to strike out the words "Big Sauble," in section 1, and insert in lieu thereof "Hamlin."

The bill was then read a third time and passed, a majority of all the members elect voting therefor, by yeas and nays, as follows:

## YEAS.

Mr. Adams,	Mr. Gilbert,	Mr. Ramsdell,
Alexander,	Goodrich,	Rankin,



Atwood,	A. L. Green,	Read,
Baker,	Hadley,	Sessions,
Blakeslee,	Haire,	Shanahan,
Bunce,	Henderson,	Smith,
Chase,	Hodges,	W. N. Stevens,
Childs,	Hood,	Stewart,
Choate,	Jones,	Strong,
Chapoton,	Joy,	Tibbits,
Cook,	Kelsey,	Wallin,
Cooley,	Leetch,	Warner,
Cox,	Lockwood,	Waterbury,
Crego,	Miller,	Wetherby,
Cutcheon,	Morrison,	T. M. Wilson,
A. W. Davis,	Persons,	J. B. Wilson,
C. Davis,	Peters,	Winans,
Douglas,	Peterson,	Woodman,
Fallass,	Piper,	Woodward,
Follett,	Pratt,	Wright,
Foote,	Pringle,	Speaker,
Fowle,		

64

NAYS

Mr. Wade,

1

The question being upon agreeing to the title,

Mr. Morrison moved to amend the same by striking out the words "Big Sauble," and insert in place thereof the word "Hamlin;"

Which motion prevailed.

The title, as amended, was then agreed to.

On motion of Mr. Ramsdell,

By a vote of two-thirds of all the members elect, the bill was ordered to take immediate effect.

Senate bill, being

A bill making appropriations for the salaries of State officers for the years 1861 and 1862,

Was read a third time and passed, a majority of all the members elect voting therefor, by yeas and nays, as follows:

YEAS.

Mr. Adams,	Mr. A. L. Green,	Mr. Rankin,
Alexander,	Hadley,	Read,
Baker,	Haire,	Sessions,
Blakeslee,	Henderson,	Shanahan,
Bunce,	Hill,	Smith,



Chase,  
Childs,  
Choate,  
Chapoton,  
Cook,  
Cooley,  
Cox,  
Crego,  
Cutcheon,  
A. W. Davis,  
C. Davis,  
Douglas,  
Fallass,  
Follett,  
Foote,  
Fowle,  
Gilbert,  
Goodrich,

Hodges,  
Hood,  
Hurd,  
Jones,  
Joy,  
Kelsey,  
Leetch,  
Lockwood,  
Miller,  
Morrison,  
Persons,  
Peters,  
Peterson,  
Piper,  
Pratt,  
Pringle,  
Ramsdell,

W. N. Stevens,  
Stewart,  
Strong,  
Taylor,  
Tibbits,  
Wade,  
Wallin,  
Warner,  
Waterbury,  
Wetherby,  
T. M. Wilson,  
J. B. Wilson,  
Winans,  
Woodman,  
Woodward,  
Wright,  
Speaker,

67

NAYS.

0

Title agreed to.

House bill, being

A bill to change the name of the township of Little Sauble in the county of Mason ;

Was read a third time and passed, a majority of all the members elect voting therefor, by yeas and nays, as follows:

YEAS.

Mr. Adams,  
Alexander,  
Baker,  
Blakeslee,  
Bunce,  
Childs,  
Choate,  
Chapoton,  
Cook,  
Cox,  
Crego,  
Cutcheon,  
A. W. Davis,  
Douglas,  
Fallass,  
Follett,  
Foote,  
Fowle,

Mr. A. L. Green,  
Hadley,  
Haire,  
Henderson,  
Hill,  
Hodges,  
Hood,  
Hurd,  
Jones,  
Joy,  
Kelsey,  
Leetch,  
Lockwood,  
Miller,  
Morrison,  
Persons,  
Peters,  
Peterson,

Mr. Ramsdell,  
Rankin,  
Read,  
Sessions,  
Shanahan,  
Smith,  
W. N. Stevens,  
Stewart,  
Taylor,  
Tibbits,  
Wallin,  
Warner,  
Waterbury,  
Wetherby,  
T. M. Wilson,  
J. B. Wilson,  
Woodman,  
Woodard,



Gilbert,  
Goodrich,

Piper,  
Pringle,  
NAYS.

Wright,  
Speaker, 60

Mr. C. Davis,  
Strong,

Mr. Wade,

Mr. Winans,

4

Title agreed to.

House bill, entitled

A bill to repeal act No. 48, of session laws of 1859, appropriating certain non-resident taxes on a certain road therein named,

Was read a third time and passed, a majority of all the members elect voting therefor, by yeas and nays, as follows :

YEAS.

Mr. Adams,  
Alexander,  
Baker,  
Blakeslee,  
Bunce,  
Chase,  
Childs,  
Choate,  
Chapoton,  
Cook,  
Cooley,  
Cox,  
Crego,  
Cutcheon,  
A. W. Davis,  
Douglas,  
Fallass,  
Follett,  
Foote,  
Fowle,  
Gilbert,

Mr. Goodrich,  
A. L. Green,  
Hadley,  
Haire,  
Hill,  
Hodges,  
Hood,  
Jones,  
Joy,  
Kelsey,  
Leetch,  
Lockwood,  
Miller,  
Morrison,  
Persons,  
Peters,  
Peterson,  
Piper,  
Pratt,  
Pringle,  
Ramsdell,

Mr. Rankin,  
Read,  
Sessions,  
Shanahan,  
Smith,  
W. N. Stevens,  
Stewart,  
Strong,  
Taylor,  
Toll,  
Wade,  
Warner,  
Waterbury,  
Wetherby,  
T. M. Wilson,  
J. B. Wilson,  
Winans,  
Woodman,  
Woodward,  
Wright,  
Speaker, 63

NAYS.

0

Title agreed to.

Senate bill, entitled

A bill to organize the township of Winfield, in the county of Mecosta,

Being under consideration,

On motion of Mr. Follett,



The bill was laid on the table.

House bill, entitled

A bill to organize the township of Ka-go-che-wun, in the county of Emmett,

Was then read a third time and passed, a majority of all the members elect voting therefor, by yeas and nays, as follows :

YEAS.

Mr. Adams,  
Alexander,  
Baker,  
Blakeslee,  
Bunce,  
Chase,  
Childs,  
Choate,  
Chapoton,  
Cook,  
Cooley,  
Crego,  
Cutcheon,  
A. W. Davis,  
Douglas,  
Fallass,  
Follett,  
Foote,  
Fowle,

Mr. Gilbert,  
Goodrich,  
A. L. Green,  
Hadley,  
Henderson,  
Hill,  
Hodges,  
Hood,  
Hurd,  
Joy,  
Kelsey,  
Leetch,  
Lockwood,  
Miller,  
Morrison,  
Persons,  
Peters,  
Peterson,  
Piper,

Mr. Pratt,  
Ramsdell,  
Rankin,  
Read,  
Sessions,  
Shanahan,  
Smith,  
W. N. Stevens,  
Strong,  
Taylor,  
Tibbits,  
Wade,  
Warner,  
Wetherby,  
T. M. Wilson,  
J. B. Wilson,  
Woodman,  
Wright,  
Speaker,

57

NAYS.

Mr. Cox,  
Haire,

Mr. Pringle,  
Stewart,

Mr. Winans,  
Woodward,

6

Title agreed to.

On motion of Mr. Ramsdell,

By a vote of two-thirds of all the members elect, the bill was ordered to take immediate effect.

House bill No. 64, entitled

A bill to amend section two of an act entitled an act relative to the costs of proceedings in criminal cases, approved March 13, 1849,

Was read a third time and passed, a majority of all the members elect voting therefor, by yeas and nays, as follows :



## YEAS.

Mr. Adams,	Mr. Fowle,	Mr. Pringle,
Alexander,	Gilbert,	Rankin,
Baker,	Goodrich,	Read,
Blakeslee,	A. L. Green,	Sessions,
Bunce,	Hadley,	Shanahan,
Chase,	Haire,	Smith,
Childs,	Henderson,	W. N. Stevens,
Choate,	Hill,	Stewart,
Chapoton,	Hodges,	Strong,
Cook,	Joy,	Taylor,
Cooley,	Kelsey,	Tibbits,
Crego,	Leetch,	Wade,
Cutcheon,	Lockwood,	Waterbury,
C. Davis,	Morrison,	Wetherby,
Douglas,	Peters,	T. M. Wilson,
Fallass,	Peterson,	Winans,
Follett,	Piper,	Wright,
Foots,	Pratt,	Speaker, 54

## NAYS.

Mr. Cox,	Mr. Hood,	Mr. Warner,
A. W. Davis,	Miller,	Woodward, 6
Title agreed to.		

Mr. Pringle moved that the bill be ordered to take immediate effect.

Which motion did not prevail.

Mr. Pratt moved that the committee of the whole be discharged from the further consideration of House bill No. 96, entitled

A bill to locate and establish the county seat of Mason county;

Which motion prevailed.

On motion of Mr. Pratt,

The rules were suspended, and the bill put upon its final passage.

The bill was then read a third time and passed, a majority of all the members elect voting therefor, by yeas and nays, as follows:

## YEAS.

Mr. Adams,	Mr. Goodrich,	Mr. Ramsdell,
Baker,	A. L. Green,	Rankin,



Blakeslee,  
 Bunce,  
 Chase,  
 Childs,  
 Choate,  
 Chapoton,  
 Cook,  
 Cox,  
 Crego,  
 Cutcheon,  
 A. W. Davis,  
 C. Davis,  
 Douglas,  
 Fallass,  
 Follett,  
 Foote,  
 Fowle,  
 Gilbert,

Hadley,  
 Haire,  
 Henderson,  
 Hill,  
 Hodges,  
 Hood,  
 Hurd,  
 Jones,  
 Joy,  
 Kelsey,  
 Leetch,  
 Lockwood  
 Miller,  
 Morrison,  
 Persons,  
 Peters,  
 Peterson,  
 Pratt,

Read,  
 Shanahan,  
 Smith,  
 Stewart,  
 Strong,  
 Taylor,  
 Tibbits,  
 Wade,  
 Wallin,  
 Warner,  
 Wetherby,  
 T. M. Wilson,  
 Winans,  
 Woodman,  
 Woodward,  
 Wright,  
 Speaker,

59

NAYS.

0

Title agreed to.

On motion of Mr. Pratt,

By a vote of two-thirds of all the members elect, the bill was ordered to take immediate effect.

#### GENERAL ORDER.

On motion of Mr. Ramsdell,

The House went into committee of the whole on the general order,

Mr. Cutcheon in the chair.

After some time spent therein, the committee rose, and, through the chairman, made the following report:

The committee of the whole have had under consideration the following entitled bill:

1. A bill to provide for the continuance of the State geological survey,

Have made no amendments thereto, and have directed their chairman to report the same back to the House, and recommend its passage.

The committee of the whole have also had under consideration

2. A bill to lay out and establish a State road from the town-



ship of Danby, in the county of Ionia, to Pewamo, on the Detroit and Milwaukee railway,

And report the same back to the House with a recommendation that it be re-committed to the committee on roads and bridges.

The committee of the whole have also had under consideration the following entitled bill :

3. A bill to amend an act entitled an act to provide for the settlement and drainage of swamp lands by actual settlers, being act No. 229 of session laws of 1859,

Have made sundry amendments thereto, and have directed their chairman to report the same back to the House, asking concurrence therein, and recommend its passage.

S. M. CUTCHEON, *Chairman.*

Report accepted and committee discharged.

The first named bill was ordered to a third reading.

The second named bill was recommitted to the committee on roads and bridges.

The amendments to the third named bill were concurred in, and the bill was ordered to a third reading.

On motion of Mr. Crego,

The House adjourned till to-morrow morning at 9 o'clock.

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*Lansing, Wednesday, February 20, 1861.*

House met pursuant to adjournment, and was called to order by the Speaker.

Prayer by Rev. Mr. Armstrong.

Roll called : quorum present.

PETITIONS PRESENTED.

By Mr. Tibbits : petition of Samuel Ludlow, Henry Hagerty, Bela Hubbard, Wm. Woodbridge, Sen., and 105 others, tax-payers of the township of Springwells, in the county of Wayne, praying that the charter of the city of Detroit may be so amended as to abolish the office of city assessor, and allow each ward one assessor, to be elected by the people ;



On motion of Mr. Pringle,

The petition was laid on the table.

By Mr. Sessions : petition of Benjamin Harter and 62 others, citizens of Ionia county, praying that the Constitution may be so changed as to authorize a banking law similar to that of Ohio and Indiana ;

Referred to the joint committee on constitutional amendments.

By Mr. C. Davis: petition of Thomas W. Briggs and 97 others, of Ottawa and Muskegon counties, for a grant of swamp lands for a road from Muskegon to Nunica;

Referred to the committee on public lands.

By Mr. Ira Davis: petition of J. A. Rucker and 55 others, for a repeal of the so-called personal liberty laws ;

Also, petition of A. Plumb and 32 others, for the passage of a law requiring the registration of births, deaths and marriages occurring in this State;

Laid on the table.

By Mr. Phelps: memorial of Duncan Stewart;

Referred to the committee on banks and incorporations, and ordered printed in the journal.

The following is the memorial:

*To the Honorable, the House of Representatives of the State of Michigan, at Lansing assembled:*

MAY IT PLEASE YOUR HONORABLE BODY:—We live in a wonderful age ; as soon as a man wants anything, it does not matter whether it is right, just, proper or expedient, it does not matter if it infringes the laws, the Constitution, or the rights of his fellow citizens, he at once asks the Town Council, the State Legislature, or the National Government to grant his request, threatening, if they do not, that he will turn this excellent and much abused world upside down. I have merely mentioned the above features of the extraordinary age in which we live, in order that your Honorable Body may not feel surprised at the various requests I am now about to make, and as they are strictly in keeping with the greedy, selfish, grasping spirit that



I see exhibited on every side, I need not trouble you with further apologies. Their strict conformity to the "spirit of the age" being my justification, and I pray your Honorable Body for their adoption.

My modest, humble requests, are as follows :

1st. I rented a house to a tenant ; he went off and did not pay the rent ; the property has therefore "gone to grass." Therefore, I pray your honorable body, to pass such a law as will compel the assessor of this city of Detroit, to tax such property as "rural meadow or garden," (seeing it has gone to grass.) I wish you to use the word "meadow," but should your honorable body object to the word, then use any term you please, only relieve me from taxation that I have a perfect right to pay, and compel H. P. Baldwin, James F. Joy, C. H. Buhl, Z. Chandler and other large property holders in the densely built parts of the city, to bear my burdens in addition to their own.

2d. I would also humbly pray, that the following property holders may be exempted from paying any further taxes, either to the city or State, as it is a monstrous wrong that men of their standing should be subject to the same laws of taxation as Plebeian merchants, manufacturers, mechanics and laborers, to wit : Governor Woodbridge, Gen. Cass, E. A. Brush, Joseph Campau, Judge Moran, Daniel Cooper, Rodney D. Hill, Governor McClelland, and as many more as the members for the city of Detroit can call to mind of the same stamp.

I will now give your honorable body reasons why such persons should be exempt from taxes :

1st. Many of those owning large estates have spent the greater portion of their time tampering with the assessors of the city of Detroit, and the tax rolls will show they have tampered most successfully ; and that the taxes thus saved for the past twenty years, would pay the entire bonded debt of the city of Detroit. It would, therefore, be better to exempt them from taxation, than have them live in continual violation of the law.

2d. Many of these gentlemen hold heavy mortgages on prop-



erty in the densely built portions of the city, on which they never paid one dollar of taxes; it therefore follows, that if they pay no taxes on their investments in the densely built parts of the city, it would be injustice intensified to ask them to pay taxes on the property they own on the outskirts of the city.

3d. As poor men have "no rights that such men are bound to respect," it is right and proper that the small lot, with small house, of the laborer, in the outskirts of the city, should be valued at \$500 to \$700 for 50 feet by 130, and that the property of his rich neighbor, just on the side of his fence, should be valued at \$5 to \$10 per acre, under the poetic name of "rural, meadow, or garden land." As such men have an idea that your honorable body is composed of such men as are utterly unfit to judge of what is right and proper, you will of course be expected to see no wrong in the above vile abomination, but will so legislate as to make "the rich richer—the poor poorer."

4th. The industry of the merchant, mechanic and laborer, having built up a large city, and made the original property-holders so wealthy that their fortunes are counted by hundreds of thousands—some of them by millions—it would seem just and proper, as the times are dull and corner lots are not in demand, that these classes should pay the taxes on property not yet sold, so that the holders could hold on till times get better and exorbitant prices can be realized. Your Honorable Body understands perfectly, that all cities "flourish like a green bay tree," where the merchants, manufacturers, and laborers pay all the taxes, and where land is held so high that a laborer or mechanic cannot find a home, and where manufacturers cannot find land on which to establish their various branches of industry without paying more for the land than their business would warrant or allow.

5th. Our rich men never retard improvements, and never put the city to great expense to defend injunction suits against paving, extending gas and water pipes and increasing the comfort of the people. They never oppose the building of a work-house, jails and city halls. They never lease their property for the



lowest kind of low, debased drinking saloons. They never rent or lease their property for houses of ill-fame, and such places as debauch the morals of the young. They never pay any taxes that they can find others to pay for them. They never play the part of Shylock and go in for the "pound of flesh." In fact, they never do anything that they can avoid doing, and are, therefore, worthy of all due consideration at your hands; so tax the poor man's lot in order to save the rich man's field.

6th. As the "rural, meadow, and garden" dodge is of democratic origin, perhaps a republican House, a republican Senate, and a republican Governor, will pass the tax bill asked for, and perhaps the democratic politicians of the republican city of Detroit will, with their usual desire to spare the feelings of republican office seekers, not allude to the absurdity, unjust, uncalled for, villainous and poverty crushing law, if enacted. Of course they will not, and perhaps republican merchants, mechanics and laborers will continue faithful to the party—"go it blind," and contribute with a liberal hand the funds needed for future contests. Of course they are in perfect love with unjust taxation, and most anxious for its application. If this is the opinion of your Honorable body, the bill will better be passed, but perhaps it may be as well, for the good of the republican party, not to pass it. If it does pass, perhaps the first triumph of the republicans in Wayne county may be its last; with this view of the case perhaps it may be quite as well to let democrats "skin their own skunk."

I will now pray your honorable body for something for myself. I am, as some members of your honorable body are aware, deeply interested in the carrying trade of Michigan, and the glory of that trade is about to depart, to be carried off, body and soul, by the Legislature of Wisconsin. And in this I see the Detroit and Milwaukee Railroad Company, with its accustomed modesty, mendacity, and assurance, has applied to the State of Wisconsin for a grant of land to build two powerful propellers to run on Lake Michigan, in order that the products of that State may be carried cheap to market—in fact so



cheap that Milwaukee can strip Detroit of all the trade on the line of the Detroit and Milwaukee railroad.

In order to checkmate such a deplorable state of things, I pray that your honorable body may see fit to grant me and those with whom I am associated, 250,000 acres of the public lands to replace the present "North Shore Line." Some of the boats now used are so old that they are gone to seed, and I pray your honorable body that you would pass a law to have all those "gone to seed," taxed as a garden patch. You can grant us this request if you please, for the amendment to the city charter shows your honorable body may, in the perfection of your wisdom, order property to be taxed for *the use the owner holds it for, without any regard to its actual cash value.* Of course, the guarantee the Constitution gives of equal taxation, according to *actual value*, should receive no notice at the hands of your honorable body—but this is a digression.

I pray further, that in addition to the 250,000 acres already prayed for, that you would grant to me and my associates 500,000 acres more of the public lands to create a sinking fund, the interest of which would defray the running expenses of the North Shore Line. Men of no great judgment or common sense will see at once, that if you grant 250,000 acres of lands to build six powerful propellers, and 500,000 acres more to run them, that I and my associates will be able to defy all competitors, and enable Detroit to compete with our friends at Milwaukee. The advantages that I and my associates would derive from this grant are so plain, that members in the interest of "rural, meadow and garden patches" must see at a twinkling its great benefits; and as the request is full as modest, and has much better reasons to support it than the amendment of the charter scheme, I ask them to vote for it, and I will ask my friends—as soon as I discover I have any—to vote these friends, clear of all taxation, as prayed for in this humble petition.

There is one more reason why you should grant this 750,000 acres of land; there is in Canada a mammoth corporation,



called the Grand Trunk Rail Road. Its Liverpool newspaper organs, some three years ago, boasted that it would turn all the trade of the west, or at least a large portion of it, through British territory, and that it was destined to finish what American railroads had begun, to wit: The utter ruin of the carrying trade of the inland seas; and it expected to, completely exterminate the business of American vessel owners. Well, it tried its hand in the extermination line, and it has been successful beyond the most sanguine expectations of its warmest friends—it has exterminated the character of the present Canadian ministry; it has exterminated the character of its principal managers; it has exterminated its innocent and helpless stockholders; it has exterminated its creditors, and it now seeks to exterminate the tax payers of the British North American Provinces. But it has not exterminated us poor devils of American ship owners. (If the devil is distasteful to any of the members, I ask their pardon for introducing him to their notice.)

This great corporation will come next month before the Canadian Legislature, and ask the people of Canada to pay its debts, amounting to over twelve and a half millions of dollars. In return, they may give the Province their acceptances for the amount, and they will sell in New York and London for about as much as will those of that arch-villain and notorious traitor, Governor Floyd. They will also have the modest assurance to ask the people of Canada, who have already given them fifteen millions of dollars, to guarantee the stock and bonds of the road 3 or 4 per cent. per annum. The schemes may grind the Canadian people into the dust; but what of that—the Grand Trunk don't care.

Your honorable body will at once see that if Wisconsin builds propellers for the D. & M. R. R. "free gratis, for nothing," and Canada does the handsome thing by the Grand Trunk, pay its debts, &c., &c., it will be impossible for myself and associates to keep the stars and stripes floating on our inland seas, unless you put us on a footing equally favorable with our formidable



competitors. I should not object to having the bill for my relief attached to the bill intended for the relief of the destitute, houseless wretches, who own the "rural, meadow, and garden patches," and who never act as honest men when taxes are the things concerned—and your petitioner will ever pray "good Lord, deliver us," as soon as possible, from the burdens of our great land owners, or give them the blessed pleasure of paying their own taxes.

DUNCAN STEWART.

By Mr. Shank : remonstrance of 200 voters of the first ward of the city of Lansing, against the proposed amendment to the city charter.

On motion of Mr. Shank,

The remonstrance was referred to the committee on banks and incorporations, and ordered printed in the journal.

The following is the remonstrance :

*To the Hon. Senate and House of Representatives of the State of Michigan :*

*Whereas,* An application is now pending before your honorable body, from a majority of the common council of the city of Lansing, for an amendment of the city charter, enlarging the powers of said council, in regard to the assessment of taxes upon the property of our city, and for the creation of one general school board to control the whole educational interest of said city ;

*And whereas,* The first ward, in which the undersigned reside, has already raised, by voluntary and other taxation, full \$20,000 for educational buildings and apparatus, for the education of our children ;

*And whereas,* From existing differences of interests and locality, we are opposed to the concentration of the control of all the educational interests of the city in one board ; and we are also opposed to the extension of the powers of the common council in regard to taxation ;

We therefore beg leave to remonstrate against said amendments, and to represent to your honorable body, that the present



rate of taxation, being over 3 per cent. on the general levy, and in some cases, exceed 8 per cent. for improvements, is alike burdensome and intolerable ; and we ask your honorable body to so amend said charter, that the first ward of said city may be set off from said city, into the township of Lansing.

REPORTS OF STANDING COMMITTEES.

By the committee on banks and incorporations:

The committee on banks and incorporations, to whom was referred the petition of D. M. Wheeler and 26 others, for an act authorizing the Grass Lake Baptist Society to convey certain real estate, respectfully report that they have had the same under consideration, and are of opinion that the prayer of the petitioners ought to be granted. They therefore report herewith a bill, entitled

A bill to authorize the trustees of the Grass Lake Baptist Society of the township of Grass Lake, in the county of Jackson, to convey certain real estate to school district No. 9 of said township,

Recommend the same do pass, and ask to be discharged from the further consideration thereof.

- EUGENE PRINGLE, *Chairman.*

Report accepted and committee discharged.

The bill was read a first and second time, by its title, and

On motion of Mr. Pringle,

The bill was laid on the table.

By the committee on banks and incorporations:

The committee on banks and incorporations, to whom was referred the petition of the Jackson county agricultural society for an act to authorize the mortgaging of real estate, respectfully report that they have had the same under consideration, and are of opinion that the prayer of the petitioner ought to be granted. The committee, therefore, report herewith a bill, entitled

A bill to authorize the Jackson county agricultural society to borrow money and mortgage certain real estate to secure the payment of the same,



Recommend that said bill do pass, and ask to be discharged from the further consideration thereof.

EUGENE PRINGLE, *Chairman.*

Report accepted and committee discharged.

The bill was read a first and second time, by its title, and

On motion of Mr. Pringle,

The bill was laid on the table.

By the committee on banks and incorporations :

The committee on banks and incorporations, to whom was referred the petition of Deborah Palmer and 25 others, praying that certain territory be detached from the city of St. Clair, have, in accordance with the prayer of the petitioners, prepared and herewith report a bill, entitled

A bill to restore certain territory included in the city of St. Clair to the township of East China,

And submit the same to the House without any recommendation, and ask to be discharged.

EUGENE PRINGLE, *Chairman.*

Report accepted and committee discharged.

The bill was read a first and second time by its title, and

On motion of Mr Pringle,

The bill was laid on the table.

By the committee on internal improvement:

The committee on internal improvement have had under consideration the petition of D. M. Evans and 50 others, citizens of Kent county, asking for an appropriation of swamp lands in certain townships in the counties of Kent and Newaygo.

It appears that in two townships there is about 8,800 acres of swamp land. It is represented to be mainly contiguous territory, worthless in its present condition, but easily reclaimed and made very valuable land. The committee have instructed me to bring in a bill appropriating four thousand acres of said land to any party who shall reclaim the whole tract, entitled

A bill to provide for the drainage of the swamp lands in certain townships in the counties of Kent and Newaygo.

We think that the bill is well guarded, that there is no fraud



or deception either in the bill or its title, that it may do a trifle in the way of redeeming the faith of the State, and perhaps show that it is not only practicable but always good policy to be honest. Your committee recommend the passage of the bill and ask to be discharged from the further consideration of the subject.

ALONZO SESSIONS, *Chairman.*

Report accepted and committee discharged.

The bill was read a first and second time, by its title, ordered printed, referred to the committee of the whole, and placed on the general order.

By the committee on agriculture and manufactures:

The committee on agriculture and manufactures, to whom was referred the resolution of the Directors of the Ionia Agricultural Society, in relation to conferring upon certain officers of agricultural societies police powers;

Would respectfully report that they have had the same under consideration, and instructed me to report favorably thereon, and we herewith report back to the House said resolution, with the accompanying bill, entitled

A bill vesting with police powers marshals and their deputies at State and county fairs;

Recommend its passage, and ask to be discharged from the further consideration of the same.

JAMES WEBSTER CHILDS, *Chairman.*

Report accepted and committee discharged.

The bill was read a first and second time by its title, ordered printed, referred to the committee of the whole and placed on the general order.

By the judiciary committee:

The committee on the judiciary to whom was referred the following resolution:

*Resolved*, That the committee on judiciary be requested to inquire if further legislation is necessary to insure the better discharge of their duties by township officers, especially those



in connection with the township board, and to report by bill or otherwise;

Respectfully report that they have had the said resolution under consideration, and return the same to the House with the accompanying bill, entitled

A bill to amend section 75, of chapter 16, of the revised statutes of 1846, being section 567 of the compiled laws,

Which they recommend do pass, and ask to be discharged from the further consideration of the subject.

THOS. W. LOCKWOOD, *Chairman.*

Report accepted and committee discharged.

The bill was read a first and second time by its title, ordered printed, referred to the committee of the whole and placed on the general order.

By the judiciary committee :

The committee on the judiciary, to whom was referred the following resolution :

*Resolved*, That the committee on judiciary be requested to take into consideration the propriety of amending the statutes by striking out all authority of the circuits to admit attorneys to practice, and report by bill or otherwise ;

Respectfully report that they have had the said resolution under consideration, and return the same to the House with the accompany bill, entitled

A bill to repeal an act relative to the admission of attorneys, solicitors and counsellors, approved March 31, 1861;

Which they recommend do pass, and ask to be discharged from the further consideration of the subject.

THOS. W. LOCKWOOD, *Chairman*

Report accepted and committee discharged.

The bill was read a first and second time by its title, ordered printed, referred to the committee of the whole, and placed on the general order.

By the judiciary committee :

The committee on the judiciary, to whom was referred the petition of Wm. W. Barber and 26 others, of Lapeer county,



asking an amendment to the 15th subdivision of section 145 of compiled laws ;

Respectfully report that they have had the same under consideration, report it back with the recommendation that it be not granted, and ask to be discharged from the further consideration of the subject.

THOS. W. LOCKWOOD, *Chairman.*

Report accepted and committee discharged.

The petition was laid on the table.

By the committee on engrossment and enrollment :

The committee on engrossment and enrollment report as correctly enrolled, signed and presented to the Governor, the following entitled bills :

A bill to amend an act entitled an act to incorporate the village of Bay City, approved Feb. 9th, 1859;

Also,

A bill to continue the authority of circuit court commissioners after the expiration of their term of office in certain cases.

Also,

A bill to amend section 86, of an act entitled an act to amend chapter 93, of the revised statutes of 1846, entitled of courts held by justices of the peace, the same being section 3738 of the compiled laws.

Also,

Joint resolution for the transfer of certain scientific works from the State library to the library of the University.

A. L. GREEN, *Chairman.*

Report accepted.

By the committee on engrossment and enrollment :

The committee on engrossment and enrollment, report as correctly engrossed the following bill:

A bill to amend an act entitled an act to provide for the settlement and drainage of the swamp lands by actual settlers, being act No. 229, of session laws of 1859.

A. L. GREEN, *Chairman.*

Report accepted.



By the committee on ways and means :

The committee on ways and means, to whom was referred the petition of John Owen, Ch. Buhl, B. Wright and others, president and directors of the Detroit locomotive works, have had the same under consideration, and have instructed me to report that in their judgment the prayer of the petitioners ought to be granted, and have prepared a joint resolution for that purpose, which is herewith submitted, entitled

Joint resolution for the relief of the Detroit locomotive works,  
Recommend its passage, and ask to be discharged from the further consideration of the subject.

JAMES F. JOY, *Chairman.*

Report accepted and committee discharged.

The joint resolution was read a first and second time by its title, ordered printed, referred to the committee of the whole, and placed on the general order.

By the committee on printing :

In answer to the resolutions of this House, calling for information in regard to the copies of the Governors' messages, ordered to be printed in foreign languages, the committee on printing would respectfully report, that the messages, in the German language, have arrived, and will be delivered to the House to-day. The messages in the French language are expected to be ready in about a week, as your committee are informed, and those in the Holland language soon after.

F. H. RANKIN, *Chairman.*

Report accepted.

MESSAGE FROM THE SENATE.

The Speaker announced the following :

SENATE CHAMBER,  
Lansing, February 19, 1861. }

*To the Speaker of the House of Representatives :*

SIR:—I am instructed by the Senate to transmit the following entitled bills:

1. A bill to amend an act entitled an act to provide against the recovery of damages done by beasts on lands not enclosed



by a lawful fence, approved March 17, 1847, being sec. 628, of the compiled laws,

2. A bill to amend section 45, of chapter 52 of compiled laws, relative to the organization of chartered villages,

Which have passed the Senate by a majority vote of all the Senators elect, and in which the concurrence of the House is respectfully asked.

Very respectfully,

A. B. TURNER,

*Secretary of the Senate.*

The first named bill was read a first and second time by its title, and referred to the committee on agriculture and manufactures.

The second named bill was read a first and second time by its title, and referred to the committee on banks and incorporations.

Also the following :

SENATE CHAMBER,  
Lansing, February 19, 1861. }

*To the Speaker of the House of Representatives :*

SIR:—I am instructed to return to the House the following entitled bill :

A bill to amend an act to incorporate the city of Ann Arbor, approved April 4, 1851;

Which the Senate has amended by adding a new section to stand as section 57, and which is attached to the bill;

In the passage of which, as thus amended, the Senate has concurred by a majority vote of all the Senators elect, and has ordered the same to take immediate effect by a vote of two-thirds of all the Senators elect.

Very respectfully,

A. B. TURNER,

*Secretary of the Senate.*

The amendment made to the bill by the Senate was concurred in, by yeas and nays, as follows:



## YEAS.

Mr. Adams,	Mr. Goodrich,	Mr. Pratt,
Alexander,	Gregory,	Ramsdell,
Baker,	A. L. Green,	Rankin,
Beamer,	N. K. Green,	Read,
Blakeslee,	Hadley,	Shank,
Brownell,	Haire,	Shanahan,
Bunce,	Henderson,	Smith,
Chase,	Hemingway,	Stewart,
Childs,	Hill,	Stoddard,
Choate,	Hodges,	Strong,
Chapoton,	Hood,	Taylor,
Cook,	Hurd,	Tibbits,
Cooley,	Jones,	Wade,
Cox,	Joy,	Wallin,
Crego,	Kelsey,	Warner,
Outcheon,	Leetch,	Wetherby,
A. W. Davis,	Lockwood,	Wheeler,
O. Davis,	Morrison,	T. M. Wilson,
Ira Davis,	Moore,	J. B. Wilson,
Douglas,	Persons,	Winans,
Fallass,	Peters,	Woodman,
Follett,	Peterson,	Woodward,
Foote,	Phelps,	Wright,
Fowle,	Piper,	Speaker,
Gilbert,		

78

## NAYS.

Mr. Howell,

1

The bill was then referred to the committee on engrossment and enrollment, for enrollment.

Also the following :

SENATE CHAMBER,  
Lansing, February 19, 1861. }

*To the Speaker of the House of Representatives :*

SIR :—I am instructed by the Senate to transmit the following concurrent resolution :

*W hereas*, It is just and becoming that the American people should ever bear in grateful remembrance the character and actions of those who have stood prominent in a nation for their patriotism and worth, and that their frequent contemplation is a dictate of reason, not only in consonance with the best feelings of our nature, but in the exercise of, which the legislator



finds his surest chart for the guidance of a nation, and the people gather their richest lessons of instruction ;

*And whereas*, The twenty-second day of February is the anniversary of the birth of George Washington, whose whole life was one continued exemplification of what is pure in purpose and noble in achievement, and whose patriotism and wisdom was manifest in the darkest days of the Republic, leaving a heritage of which we justly feel proud, and to which, as a nation, we may fondly cling amid the excitements and trials that now agitate the country; therefore,

*Resolved*, (if the House of Representatives concur,) That the two Houses of this Legislature will meet in joint convention, on Friday next, the 22d inst., at two o'clock P. M., for the purpose of commemorating the day and hearing read Gen. George Washington's Farewell Address to the American People; and that the President of the Senate and the Speaker of the House are authorized to make such appointments for the occasion, and extend such invitations as they may deem proper.

Which has passed the Senate, and in which the concurrence of the House is respectfully asked.

Very respectfully,

A. B. TURNER,

*Secretary of the Senate.*

Mr. Lockwood moved that the House concur in the adoption of the resolution;

Mr. Howell called for a division of the question;

The question being upon the adoption of the resolution,

Mr. Cutcheon moved to strike out the word "General;"

Which motion prevailed.

The resolution was then concurred in.

The question recurring upon agreeing to the preamble, it was agreed to.

Also the following :



SENATE CHAMBER,  
*Lansing, February 19, 1861.* }

*To the Speaker of the House of Representatives :*

SIR :—I am instructed to return to the House the following entitled bill :

A bill authorizing the transfer by the board of control, of a grant of land made to the State of Michigan by an act of Congress, passed June 8, 1856, to aid in the construction of a railroad from Marquette, on Lake Superior, to the Wisconsin State line, and the re-location of the same,

Which has passed the Senate by a majority vote of all the Senators elect, and by a vote of two-thirds of all the Senators elect, been ordered to take immediate effect, and in which the concurrence of the House is respectfully asked.

Very respectfully,

A. B. TURNER,

*Secretary of the Senate.*

The bill was read a first and second time by its title, and referred to the committee on internal improvements.

MOTIONS, RESOLUTIONS AND NOTICES.

Mr. Howell offered the following:

*Resolved*, That the special order for this day be postponed and made the special order for to-morrow at 2 o'clock in the afternoon ;

Which was adopted.

Mr. Howell offered the following:

*Resolved*, That when the House adjourn, it adjourn to meet this evening at 7½ o'clock, and that the introduction of bills at said evening take precedence of all other business until disposed of ;

Which was adopted.

Mr. Pringle offered the following :

*Resolved*, That the rule requiring one day's previous notice of the introduction of bills and joint resolutions, be and the same is hereby suspended for this day ;

Which was adopted.



Mr. Hurd offered the following :

*Resolved*, (the Senate concurring,) That the committee on printing be instructed to have printed, in the Senate and House Documents, the messages of the outgoing and incoming Governors—one in the volume of the Senate Documents—the other in that of the House.

Laid on the table, under the rules.

Mr. Childs offered the following :

*Resolved*, That the use of this Hall for this afternoon, be tendered to the Republican State Convention, called for the purpose of nominating a candidate for Judge of the Supreme Court.

Which was adopted.

Mr. Blakeslee offered the following :

*Resolved*, That the select committee appointed to solicit aid for the sufferers in Kansas, be directed *forthwith* to call on all persons in this House, not already applied to, and solicit of them whatever they may be disposed to contribute.

*Resolved further*, That as *time* is of essence to people in a state of *starvation*, those who have subscribed be requested to call at the Clerk's desk on Thursday morning next, and pay their subscriptions, that the amount may be forwarded, by the Governor, to Kansas, *as soon as possible* ;

Which was adopted.

Mr. Tibbits, unanimous consent being given, introduced

A bill appropriating 20,000 acres of swamp lands for the purpose of constructing and repairing roads and bridges across the Rouge and Huron rivers, in the county of Wayne.

The bill was read a first and second time by its title, and referred to the committee on public lands.

Mr. Shank, unanimous consent being given, introduced

A bill to change the name of Alice Case.

The bill was read a first and second time by its title, and referred to the committee on the judiciary.

Mr. Shank, unanimous consent being given, introduced

A bill to authorize the common council of the city of Lansing



to vacate a portion of a certain street therein, and to provide for the disposition of the same.

The bill was read a first and second time by its title, and referred to the committee on the judiciary.

Mr. Jones, unanimous consent being given, introduced

A bill to provide for the improvement of a State road from Newburg to Dowagiac, in the county of Cass, and asking for an appropriation of swamp land for completion of the same.

The bill was read a first and second time by its title, and referred to the committee on public lands.

Mr. Phelps, unanimous consent being given, introduced

A bill to authorize the trustees of the Second Society of the Methodist Episcopal Church of Detroit, to mortgage real estate;

The bill was read a first and second time by its title, and referred to the committee on banks and incorporations.

Mr. Phelps, unanimous consent being given, introduced

A bill to organize the Wayne county farm into a school district, and appropriate public moneys to the education of poor children;

The bill was read a first and second time by its title, and referred to the committee on education.

Mr. Cutcheon, previous notice having been given, and leave being granted, introduced

A bill to amend certain sections of an act to revise the charter of the city of Ypsilanti, approved February 15, 1859.

The bill was read a first and second time by its title, and referred to the committee on banks and incorporations.

Mr. Reed, previous notice having been given, and leave being granted, introduced

A bill to amend sections 11, 12, and 13, of chapter 22, of the compiled laws, relative to laying out, altering or discontinuing highways.

The bill was read a first and second time by its title, and referred to the committee on the judiciary.

Mr. Pratt, unanimous consent being given, introduced



A bill to provide for the expenses of the trial of State officers, for offenses against the State.

The bill was read a first and second time by its title, and referred to the committee on ways and means.

Mr. Pratt, unanimous consent being given, introduced

A bill to provide for the removal of stagnant waters.

The bill was read a first and second time by its title, and referred to the committee on agriculture and manufactures.

Mr. Taylor, previous notice having been given, and leave being granted, introduced

A bill to amend act 70, session laws of 1857, relative to laying out a State road, in the counties of Kent, Newaygo and Mecosta, and asking for an appropriation of swamp lands.

The bill was read a first and second time by its title, and referred to the committee on public lands.

Mr. Phelps, unanimous consent being given, introduced

A bill to prevent the adulteration of coal oils.

The bill was read a first and second time by its title, and referred to the committee on agriculture.

Mr. Wallin, previous notice having been given, and leave being granted, introduced

A bill changing the name of the township of Newark, in Allegan county, to that of Saugatuck.

The bill was read a first and second time by its title, and referred to the committee on the judiciary.

Mr. Joy, unanimous consent being given, introduced

A bill to amend an act to incorporate the Boston and Pittsburgh mining company, of Pittsburgh.

The bill was read a first and second time by its title, and referred to the committee on ways and means.

Mr. Lockwood, unanimous consent being given, introduced

A bill to attach the county of Manitou to the county of Wayne for certain judicial purposes.

The bill was read a first and second time by its title, and referred to the committee on the judiciary.

Mr. Lockwood, unanimous consent being given, introduced



A bill to amend section 63, of chapter 60, of the revised statutes of 1846, being section 2505 of the compiled laws, relative to trespasses on the public lands.

The bill was read a first and second time by its title, and referred to the committee on the judiciary.

Mr. Phelps, unanimous consent being given, introduced

A bill to amend section 2, of chapter 154, of the compiled laws, on liens upon real property.

The bill was read a first and second time by its title, and referred to the committee on the judiciary.

Mr. Lockwood, unanimous consent being given, introduced

A bill to amend section 23, of chapter 106, of the revised statutes of 1846, being section 4461 of the compiled laws, relative to levy and sale of goods on execution pledged by way of mortgage.

The bill was read a first and second time by its title, and referred to the committee on the judiciary.

Mr. Lockwood, unanimous consent being given, introduced

A bill to amend an act entitled an act to incorporate the Michigan association for the improvement in the breed of horses, approved April 23, 1853.

The bill was read a first and second time by its title, and referred to the committee on agriculture and manufactures.

Mr. Hodges, previous notice having been given, and leave being granted, introduced

A bill to amend section 1, session laws of 1859, entitled an act to prevent fishing with seines and every kind of nets, in certain counties in the State of Michigan.

The bill was read a first and second time by its title, and referred to the committee on State affairs.

Mr. Hodges, previous notice having been given, and leave being granted, introduced

A bill appropriating swamp lands to build a certain drain in Lenawee county.

The bill was read a first and second time by its title, and referred to the committee on public lands.



Mr. Stoddard, previous notice having been given, and leave being granted, introduced

A bill to provide for the improvement of the Wescogin river.

The bill was read a first and second time by its title, and referred to the committee on public lands.

Mr. Waterbury, previous notice having been given, and leave being granted, introduced

A bill to provide for the laying out and establishing a swamp land State road, in the counties of Lapeer and Sanilac.

The bill was read a first and second time by its title, and referred to the committee on public lands.

Mr. Hill, unanimous consent being given, introduced

A bill to establish and provide for the construction of the East Saginaw and Bay county State road.

The bill was read a first and second time by its title, and referred to the committee on public lands.

Mr. Warner, unanimous consent being given, introduced

A bill to dispose of the swamp land within this State.

The bill was read a first and second time, by its title, and referred to the committee on public lands.

Mr. Jones, previous notice having been given, and leave being granted, introduced

A bill to provide for the improvement of a State road from Newburg, in the county of Cass, to Paw Paw, in Van Buren county, and asking an appropriation of swamp land to accomplish the same.

The bill was read a first and second time by its title, and referred to the committee on public lands.

Mr. Winans, unanimous consent being given, introduced

A bill granting an appropriation of swamp lands to the county of Livingston, for the drainage of certain swamps and marshes therein.

The bill was read a first and second time by its title, and referred to the committee on public lands.

Mr. Baker, previous notice having been given, and leave being granted, introduced



A bill to lay out and establish a State road from the centre of the town of Roxan, Eaton county, through the town of Danby, Ionia county.

The bill was read a first and second time by its title, and referred to the committee on public lands.

Mr. Warner, previous notice having been given, and leave being granted, introduced

A bill to confer certain powers upon the boards of supervisors of the counties of Marquette and Delta.

The bill was read a first and second time by its title, and referred to the committee on judiciary.

Mr. Childs, previous notice having been given, and leave being granted, introduced

A bill to provide for the laying out and establishing a State road from or near the south line of the township of Augusta, to the city of Ypsilanti, in the county of Washtenaw.

The bill was read a first and second time by its title, and referred to the committee on public lands.

Mr. Hill, unanimous consent being given, introduced

A bill to amend section 8, of act No. 152, of session laws of 1859, for laying out and establishing a State road in Saginaw and Genesee counties.

The bill was read a first and second time, by its title, and referred to the committee on public lands.

Also,

A bill to establish and provide for an industrial school for girls.

The bill was read a first and second time, by its title, and referred to the committee on ways and means.

Also,

A bill to provide for constructing the Pine Run and Tuscola State road.

The bill was read a first and second time, by its title, and referred to the committee on public lands.

Mr. Phelps, unanimous consent being given, introduced

A bill to encourage the development of petroleum oil.



The bill was read a first and second time, by its title, and referred to the special committee on the salt interest.

Mr. Strong, previous notice having been given, and leave being granted, introduced

A bill to amend section 12 of an act entitled an act further to preserve the purity of elections, and guard against the abuse of the elective franchise by a registration of electors, approved February 14, 1859.

The bill was read a first and second time, by its title, and referred to the committee on the judiciary.

Mr. Hill, previous notice having been given, and leave being granted, introduced

A bill to provide for the establishment and construction of a State road from Chesening, in Saginaw county, to the Junction, in Bay county, to be called the Chesening and Junction State road.

The bill was read a first and second time by its title and referred to the committee on public lands.

Mr. Warner, unanimous consent being given, introduced

A bill to amend section 2, chapter 119, of the revised statutes of 1846, being section 3967, of the compiled laws.

The bill was read a first and second time by its title, and referred to the committee on the judiciary.

Mr. Pratt, unanimous consent being given, introduced

A bill to amend section 15, of chapter 175, of the compiled laws, relative to fees of justices of the peace in civil cases.

Mr. Alexander, unanimous consent being given, introduced

A bill appropriating 10,000 acres of State swamp lands for the construction of a State road from the village of Buchanan, to Lake Michigan, in the county of Berrien.

The bill was read a first and second time by its title, and referred to the committee on public lands.

Mr. Douglas, unanimous consent being given, introduced

A bill to provide for the support and maintenance of the Michigan mining school.



The bill was read a first and second time by its title, and referred to the committee on education

Mr. Taylor, previous notice having been given, and leave being granted, introduced

A joint resolution in relation to postage paid by members of the Senate and House of Representatives.

The joint resolution was read a first and second time by its title, and referred to the committee on ways and means.

Mr. Douglas, unanimous consent being given, introduced

A bill to encourage the mining of copper.

The bill was read a first and second time by its title, and referred to the committee on ways and means.

Mr. Jones, unanimous consent being given, introduced

A joint resolution to authorize the Attorney General to prosecute Porter Kibbee.

The joint resolution was read a first and second time by its title, and referred to the committee on ways and means.

Mr. Cooley, previous notice having been given, and leave being granted, introduced

A bill to repeal act No. 200, of the session laws of 1859, entitled an act to encourage the manufacture of salt in the State of Michigan.

The bill was read a first and second time by its title, and referred to the special committee on the salt interest.

Mr. Waterbury, previous notice having been given, and leave being granted, introduced

A bill to lay out and establish a State road, in the county of Sanilac, from the village of Forester, to the Port Austin and Sanilac State road.

The bill was read a first and second time by its title, and referred to the committee on public lands.

Mr. Read, unanimous consent being given, introduced

A bill to appropriate the unsold, and the balance of principal and interest, on the sold swamp lands, in the counties of Kalamazoo and Van Buren, for the purpose of draining said lands,



and for building bridges and for making and repairing roads in said counties.

The bill was read a first and second time by its title, and referred to the committee on public lands.

Mr. Shank, previous notice having been given, and leave being granted, introduced

A bill to amend an act entitled an act to incorporate the city of Lansing, approved February 15, 1859.

The bill was read a first and second time by its title, and referred to the committee on banks and incorporations.

Mr. Fallass, previous notice having been given, and leave being granted, introduced

A bill to amend an act to incorporate the village of Lowell, approved February 4, 1859.

The bill was read a first and second time by its title, and referred to the committee on banks and incorporations.

Mr. Jones, unanimous consent being given, introduced

A bill to repeal act No. 200, of the session laws of 1859, the same being an act to encourage the manufacture of salt in the State of Michigan.

The bill was read a first and second time by its title, and referred to the committee on salt interest.

Mr. Ramsdell, unanimous consent being given, introduced

A bill to provide for the drainage and reclamation of swamp lands in township 23 north, of range 14 west, and to aid the township of Manistee in the improvement of the harbor at the mouth of Manistee river, in said township.

The bill was read a first and second time by its title, and referred to the committee on public lands.

Mr. N. K. Green, unanimous consent being given, introduced

A bill to prevent fishing with seines, nets and spears, in the lakes known as Devil's lake and Round lake, in Lenawee county.

The bill was read a first and second time by its title, and referred to the committee on State affairs.

Mr. Wheeler, unanimous consent being given, introduced

A bill to establish a State road from Flowerfield, St. Joseph



county, to Charlestown, Cass county, and an appropriation of swamp lands therefor.

The bill was read a first and second time by its title, and referred to the committee on public lands.

Mr. Jones, unanimous consent being given, introduced  
Joint resolution for the relief of Charles Whittlesey.

The joint resolution was read a first and second time by its title, and referred to the committee on ways and means.

Mr. Douglas, unanimous consent being given, introduced

A bill to encourage the mining of iron ore.

The bill was read a first and second time by its title, and referred to the committee on ways and means.

Mr. Strong, unanimous consent being given, introduced

A bill to provide for the establishment and construction of a State road from the Grand River road, in the township of Greenfield, county of Wayne, to be called the Greenfield and Oakland State road.

The bill was read a first and second time by its title, and referred to the committee on public lands.

Mr. Hill, previous notice having been given, and leave being granted, introduced

A bill to establish and provide for the construction of the New Haven and Fairfield State road, in Shiawassee county.

The bill was read a first and second time by its title and referred to the committee on public lands.

Mr. Hill, previous notice having been given, and leave being granted, introduced

A bill to provide for a female college as a branch of the University of Michigan.

The bill was read a first and second time by its title, and referred to the committee on ways and means.

Mr. Hill, previous notice having been given, and leave being granted, introduced

A bill to provide for a State road from East Saginaw, via Watrousville to Forrestville, in Sanilac county, and making an appropriation of swamp lands in aid thereof.



The bill was read a first and second time by its title, and referred to the committee on public lands.

Mr. Waterbury, unanimous consent being given, introduced  
A bill to provide for the improvement of a State road in the counties of Lapeer and Sanilac.

The bill was read a first and second time by its title, and referred to the committee on public lands.

Mr. C. Davis, previous notice having been given, and leave being granted, introduced

A bill to lay out and establish a State road from Fulkerson's, in Kent county, to White River, in the county of Oceana.

The bill was read a first and second time by its title, and referred to the committee on public lands.

Mr. Joy, previous notice having been given, and leave being granted, introduced

A bill to amend chapter 63, of the compiled laws, entitled of mining and manufacturing companies.

The bill was read a first and second time by its title, and referred to the committee on ways and means.

Mr. Lockwood, unanimous consent being given, introduced  
A bill to amend an act entitled an act in relation to free schools in the city of Detroit, approved February 7, 1857.

The bill was read a first and second time by its title, and referred to the committee on education.

Mr. Waterbury, unanimous consent being given, introduced  
A bill to provide for laying out and establishing a State road on the range line in the county of Sanilac.

The bill was read a first and second time by its title, and referred to the committee on public lands.

Mr. T. M. Wilson moved that the committee of the whole be discharged from the further consideration of House bill, entitled  
A bill to authorize boards of health to dispose of real estate;  
Which motion prevailed.

On motion of Mr. T. M. Wilson,

The bill was placed the order of third reading.



## THIRD READING OF BILLS AND JOINT RESOLUTIONS.

Senate bill, entitled

A bill to provide for the continuance of the State geological survey,

Was read a third time and passed, a majority of all the members elect voting therefor, by yeas and nays, as follows:

## YEAS.

Mr. Adams,  
Alexander,  
Beamer,  
Blakeslee,  
Brownell,  
Bunce,  
Chase,  
Childs,  
Choate,  
Cook,  
Cox,  
Crego,  
Cutcheon,  
A. W. Davis,  
C. Davis,  
Ira Davis,  
Douglas,  
Follett,  
Fowler,  
Gilbert,

Mr. Goodrich,  
Gregory,  
A. L. Green,  
Hadley,  
Haite,  
Henderson,  
Hemingway,  
Hill,  
Hodges,  
Joy,  
Kelsey,  
Lockwood,  
Moore,  
Persons,  
Peters,  
Peterson,  
Phelps,  
Piper,  
Pratt,  
Pringle,

Mr. Rankin,  
Read,  
Sessions,  
Shank,  
Shanahan,  
Smith,  
Stoddard,  
Strong,  
Taylor,  
Tibbits,  
Wade,  
Warner,  
Wetherby,  
Wheeler,  
T. M. Wilson,  
Winans,  
Woodward,  
Wright,  
Speaker,

59

## NAYS.

Mr. Cooley,  
Howell,

Mr. Stewart,

Mr. Waterbury,

4

Title agreed to.

Senate bill, entitled

A bill to change the name of the village of Willow Creek, in the county of Huron, to Huron City.

Being under consideration,

Mr. Howell moved to lay the bill on the table ;

Which motion did not prevail.

The bill was then read a third time and passed, a majority of all the members elect voting therefor, by yeas and nays, as follows:



## YEAS.

Mr. Adams,	Mr. N. K. Green,	Mr. Pringle,
Beamer,	Hadley,	Ramsdell,
Blakeslee,	Haire,	Rankin,
Brownell,	Henderson,	Sessions,
Chase,	Hemingway,	Shank,
Childs,	Hill,	Shanahan,
Choate,	Hodges,	Smith,
Cook,	Hood,	Stoddard,
Cox,	Hurd,	Strong,
A. W. Davis,	Joy,	Taylor,
Ira Davis,	Kelsey,	Tibbits,
Douglas,	Leetch,	Wade,
Follett,	Lockwood,	Waterbury,
Foote,	Moore,	Wheeler,
Fowle,	Persons,	T. M. Wilson,
Gilbert,	Peters,	Winans,
Goodrich,	Peterson,	Wright,
Gregory,	Piper,	Speaker,
A. L. Green,	Pratt,	

56

## NAYS

Mr. Alexander,	Mr. C. Davis,	Mr. Stewart,
Cutcheon,	Howell,	Woodward,

6

Title agreed to.

On motion of Mr. Stoddard,

By a vote of two-thirds of all the members elect, the bill was ordered to take immediate effect.

House bill, entitled

A bill to provide for certain alterations of the Pontiac and Grand River road,

Being under consideration,

Mr. Kelsey moved that the bill be indefinitely postponed;

Which motion was withdrawn.

Mr. Kelsey then moved that the bill be referred to the committee on roads and bridges.

Which motion prevailed, and the bill was so referred.

Senate joint resolution, entitled

Joint resolution relative to the Agricultural College,

Being under consideration,

Mr. Adams asked the unanimous consent of the House to amend as follows :



Strike out all after the word "postponed," and insert the following: "till such time as the board in control of the institution, at the time of the adjournment of the legislature, shall determine."

Mr. Howell moved to recommit the joint resolution to the committee on agriculture and manufactures;

Which motion did not prevail.

Objections being made by Mr. Childs to so amending the joint resolution, the amendment was rejected.

The joint resolution, being Senate joint resolution, entitled  
Joint resolution relative to the Agricultural College,

Was then read a third time and passed, a majority of all the members elect voting therefor, by yeas and nays, as follows:

#### YEAS.

Mr. Adams,  
Baker,  
Beamer,  
Brownell,  
Childs,  
Choate,  
Chapoton,  
Cook,  
Cooley,  
Cox,  
Orego,  
Cutcheon,  
A. W. Davis,  
O. Davis,  
Ira Davis,  
Douglas,  
Fallass,  
Follett,  
Foote,  
Gilbert,  
Goodrich,

Mr. A. L. Green,  
N. K. Green,  
Hadley,  
Haire,  
Henderson,  
Hemingway,  
Hill,  
Hodges,  
Hood,  
Howell,  
Hurd,  
Jones,  
Joy,  
Kelsey,  
Miller,  
Morrison,  
Moore,  
Peters,  
Peterson,  
Phelps,  
Pratt,

Mr. Pringle,  
Ramsdell,  
Rankin,  
Read,  
Sessions,  
Shank,  
Shanahan,  
Stewart,  
Stoddard,  
Taylor,  
Tibbits,  
Wade,  
Wetherby,  
Wheeler,  
T. M. Wilson,  
J. B. Wilson,  
Winans,  
Woodman,  
Woodward,  
Wright,  
Speaker, 63

#### NAYS.

Mr. Gregory, 1

Pending the announcement of the vote,

Mr. Cutcheon moved that Mr. Gregory be excused from voting;

Which motion did not prevail.

Mr. Gregory then voted as recorded above.



Title and preamble agreed to.

House bill No. 80, entitled

A bill to amend an act entitled an act to provide for the settlement and drainage of swamp lands by actual settlers, being act No. 229 of session laws of 1859;

Was read a third time and passed, a majority of all the members elect voting therefor, by yeas and nays, as follows:

YEAS.

Mr. Adams,	Mr. Gregory,	Mr. Ramsdell,
Alexander,	A. L. Green,	Rankin,
Baker,	N. K. Green,	Reed,
Baker,	Hadley,	Shank,
Blakeslee,	Haire,	Shanahan,
Brownell,	Henderson,	Smith,
Bunce,	Hemingway,	W. N. Stevens,
Chase,	Hill,	Stewart,
Childs,	Hodges,	Stoddard,
Choate,	Hood,	Strong,
Chapoton,	Howell,	Taylor,
Cook,	Hurd,	Tibbits,
Cooley,	Joy,	Wade,
Cox,	Kelsey,	Wallin,
Crego,	Leetch,	Waterbury,
Cutcheon,	Lockwood,	Wetherby,
A. W. Davis,	Morrison,	Wheeler,
C. Davis,	Moore,	T. M. Wilson,
Ira Davis,	Persons,	J. B. Wilson,
Douglas,	Peters,	Winans,
Follett,	Peterson,	Woodman,
Foote,	Phelps,	Woodward,
Gilbert,	Pratt,	Wright,
Goodrich,	Pringle,	Speaker,

NAYS.

Mr. Fallass,

Mr. Sessions,

Title agreed to.

House bill No. 121, entitled

A bill to authorize boards of health to dispose of real estate,  
Being under consideration,

Mr. Pringle asked the unanimous consent of the House to amend the bill by adding thereto the following:

*Provided further, That no cemetery which has been used*



shall be so sold and conveyed, except upon application to and on order of the circuit court of the county where the same is situated.

Mr. Howell moved to recommit the bill to the committee of the whole, with instructions to amend the bill by adding thereto the following: *Provided further*, That no cemetery which has been used shall be so sold and conveyed.

Which motion did not prevail.

On motion of Mr. Childs,

The bill was recommitted to the committee of the whole.

On motion of Mr. Phelps,

The House adjourned till 7½ o'clock P. M.

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EVENING SESSION.

7½ o'clock P. M.

The House met and was called to order by the Speaker.

Roll called: quorum present.

MOTIONS, RESOLUTIONS AND NOTICES.

Mr. Tibbits, unanimous consent being given, introduced

A bill prohibiting the county auditors of Wayne county from allowing any extra compensation for any services rendered to the county beyond what the law provides.

The bill was read a first and second time by its title, and referred to the committee on the judiciary.

Mr. C. Davis, unanimous consent being given, introduced

A bill to organize the town of Cedar, in the county of Muskegon.

The bill was read a first and second time by its title, and referred to the committee on towns and counties.

Mr. Atwood previous notice having been given, and leave being granted, introduced

A bill to amend chapter 141, compiled laws, relative to proceedings against garnishees.

The bill was read a first and second time by its title, and referred to the committee on judiciary.



Mr. Foote, unanimous consent being given, introduced

A bill to repeal an act entitled an act in relation to vacancies filled by appointment by the Governor.

The bill was read a first and second time by its title, and referred to the committee on the judiciary.

Mr. Gilbert, unanimous consent being given, introduced

A bill authorizing the Auditor General to return to Robert P. Sinclair, the money received for the redemption of certain lands sold for taxes.

The bill was read a first and second time by its title, and referred to the committee on ways and means.

Mr. Miller, previous notice having been given, and leave being granted, introduced

A bill to establish and provide for the construction of a State road in Hillsdale county.

The bill was read a first and second time by its title, and referred to the committee on public lands.

Mr. A. Stevens, unanimous consent being given, introduced

A bill to regulate fishing in the waters of this State.

The bill was read a first and second time by its title, and referred to the committee on State affairs.

Mr. T. M. Wilson, unanimous consent being given, introduced

A bill to lay out and establish a State road in the counties of Macomb and St. Clair, from Lake St. Clair to the township of Brockway, in St. Clair county.

The bill was read a first and second time by its title, and referred to the committee on public lands.

Mr. Goodrich, previous notice having been given, and leave being granted, introduced

A bill making an appropriation of State swamp lands in Eaton county for draining the same.

The bill was read a first and second time by its title, and referred to the committee on public lands.

Mr. Hill, unanimous consent being given, introduced

A bill to provide for draining the lands along the shores of Shiawassee and Bad rivers, and to improve said rivers.



The bill was read a first and second time, by its title, and referred to the committee on public lands.

Mr. Peters, unanimous consent being given, introduced

A bill to amend section 12, of chapter 47, of the compiled laws relative to lost goods and stray beasts.

The bill was read a first and second time by its title, and referred to the committee on the judiciary.

Mr. Pringle, unanimous consent being given, introduced

A bill to amend an act entitled an act to incorporate the city of Jackson, approved February 14, 1857.

The bill was read a first and second time by its title, and referred to the committee on banks and incorporations.

Mr. C. Davis, unanimous consent being given, introduced

A bill to provide for the Muskegon river improvement, and to authorize tolls for the same.

The bill was read a first and second time by its title, and referred to the committee on internal improvements.

Mr. Cooley, unanimous consent being given, introduced

A bill to provide for women's rights.

The bill was read a first and second time by its title, and referred to the committee on the judiciary.

Mr. Woodman, unanimous consent being given, introduced

A bill to provide for the construction and improvement of the State road from Paw Paw to Allegan.

The bill was read a first and second time by its title, and referred to the committee on public lands.

Mr. Adams, unanimous consent being given, introduced

A bill to provide for establishing and laying out a State road in the county of Kalamazoo, and appropriations of swamp lands to aid in the construction of the same.

The bill was read a first and second time by its title, and referred to the committee on public lands.

Mr. Foote, unanimous consent being given, introduced

A bill to amend section 2, of chapter 20, of the compiled laws, relative to the meeting of highway commissioners.



Mr. Foote, unanimous consent being given, introduced

A bill to repeal an act entitled an act in relation to vacancies filled by appointment by the Governor.

The bill was read a first and second time by its title, and referred to the committee on the judiciary.

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The bill was read a first and second time by its title, and referred to the committee on public lands.

Mr. Foote, unanimous consent being given, introduced

A bill to amend section 2, of chapter 20, of the compiled laws, relative to the meeting of highway commissioners.



The bill was read a first and second time by its title, and referred to the committee on the judiciary.

Mr. Bunce, unanimous consent being given, introduced

A bill to amend the charter of the city of Port Huron.

The bill was read a first and second time by its title, and referred to the committee on banks and incorporations.

Mr. Shank, previous notice having been given, and leave being granted, introduced

A bill to authorize the Board of State Auditors to contract for building a bridge across Grand River, in the city of Lansing.

The bill was read a first and second time, by its title, and referred to the committee on ways and means.

Mr. Persons, previous notice having been given, and leave being granted, introduced

A bill for the drainage and reclamation of the swamp lands in the township of Alpena, and the improvement of Thunder Bay river, in said township.

The bill was read a first and second time by its title, and referred to the committee on public lands.

Mr. Morrison, previous notice having been given, and leave being granted, introduced

A bill granting to the county of Berrien 25,000 acres of swamp lands.

The bill was read a first and second time, by its title, when Mr. Howell moved that the rules be suspended, and that the bill be put upon its final passage ;

Which motion did not prevail.

The bill was then referred to the committee on public lands.

Mr. Chapoton, unanimous consent being given, introduced

A bill to appropriate 500,000 acres of swamp land to improve and pave the streets of the city of Detroit.

The bill was read a first and second time by its title, and referred to the committee on roads and bridges.

Mr. Cutcheon, unanimous consent being given, introduced

A bill to provide for the free passage of fishes up and down the Huron river.



The bill was read a first and second time by its title, and referred to the committee on agriculture and manufactures.

Mr. N. K. Green, unanimous consent being given, introduced  
A bill to change the name of a minor child, in Lenawee county.

The bill was read a first and second time by its title, and referred to the committee on the judiciary.

Mr. Kelsey, unanimous consent being given, introduced  
A bill to lay out a State road from Byron, in the county of Shiawassee, to Howell, in the county of Livingston.

The bill was read a first and second time by its title, and referred to the committee on public lands.

Mr. Woodman, unanimous consent being given, introduced  
A bill to provide for the construction of a road from Charleston, in Cass county, to Decatur, in Van Buren county, and an appropriation of swamp lands therefor.

The bill was read a first and second time by its title, and referred to the committee on public lands.

Mr. Sessions, unanimous consent being given, introduced  
A bill appropriating swamp lands to aid in constructing and improving all roads in the State of Michigan.

The bill was read a first and second time by its title, and referred to the committee on public lands.

Mr. Foote, unanimous consent being given, introduced  
A bill to re-establish section 5, of chapter 6, title 3, of the compiled laws, in relation to calling special elections by the board of supervisors.

The bill was read a first and second time by its title, and referred to the committee on the judiciary.

Mr. Read, unanimous consent being given, introduced  
A bill to provide for the laying out and establishing a State road from Galesburgh, in the county of Kalamazoo, to Mendon in the county of St. Joseph, and to appropriate swamp lands for the same.



The bill was read a first and second time by its title, and referred to the committee on public lands.

Mr. Haire, unanimous consent being given, introduced

A bill to amend an act entitled an act to provide for the drainage and reclamation of swamp lands in township 6 north, of range 14 and 15 west, being act No. 168, of session laws of 1859.

The bill was read a first and second time by its title, and referred to the committee on public lands.

Mr. C. Davis, previous notice having been given, and leave being granted, introduced

A bill to lay out a State road from Big Rapids, in Mecosta county, to intersect the Port Huron, Bay City and Clinton State road, and a grant of swamp lands therefor.

The bill was read a first and second time by its title and referred to the committee on public lands.

Mr. Atwood, previous notice having been given, and leave being granted, introduced

A bill to amend section 50 of an act entitled an act to amend chapter 93, of the revised statutes of 1846, entitled of courts held by justices of the peace, approved February 13, 1855.

The bill was read a first and second time, by its title, and referred to the committee on the judiciary.

Mr. Fallass, unanimous consent being given, introduced

A bill to use up all the swamp lands in the State.

The bill was read a first and second time, by its title, and referred to the committee on public lands.

Mr. Baker, unanimous consent being given, introduced

A bill to amend sections 2, 3, 4, 6, 7, 8, 12 and 16, of an act to repeal chapter 25 of the revised statutes of 1846.

The bill was read a first and second time by its title, and referred to the committee on the judiciary.

Mr. Alexander, unanimous consent being given, introduced

A bill to amend chapter 117 of the compiled laws, in relation to certioraris.



The bill was read a first and second time by its title, and referred to the committee on judiciary.

Mr. Waterbury, unanimous consent being given, introduced

A bill to provide for the raising and paying over to the new counties their share of the \$5,000,000 loan, for the improvement of said counties by means of railroads and otherwise, and to prevent the older children from appropriating the property of the younger because they have the power.

The bill was read a first and second time by its title, and referred to the committee on geological survey.

Mr. Rankin offered the following :

*Resolved*, That the report of the special committee on establishing a chair of homeopathy in the University of Michigan, be printed.

Which was adopted.

By unanimous consent, the committee on banks and incorporations submitted the following report :

The committee on banks and incorporations, to whom was referred the petition of R. C. Luce and 20 others, and C. B. Allyn and 30 others, for the passage of more effective laws to prevent the issue of irredeemable paper in the similitude of bank bills,

Respectfully report that they have had the same under consideration, and are of opinion that no change should be made in the present laws on the subject, for the reason that none have been generally demanded by the people of the State, and that in the locality whence these petitions came, according to the best information which the committee have been able to obtain, the prevailing sentiment is against any change. The committee, therefore, report adverse to the prayer of said petitioners, and ask to be discharged from the further consideration of the same.

EUGENE PRINGLE, *Chairman*.

Report accepted and committee discharged.

The petitions were laid on the table.



## THIRD READING OF BILLS AND JOINT RESOLUTIONS.

House bill, entitled

A bill to establish and regulate a mining school in the Upper Peninsula,

Was read a third time and passed, a majority of all the members elect voting therefor, by yeas and nays, as follows :

## YEAS.

Mr. Adams,  
Alexander,  
Atwood,  
Baker,  
Beamer,  
Blakeslee,  
Bunce,  
Chase,  
Childs,  
Choate,  
Chapoton,  
Cook,  
Cooley,  
Cox,  
Crego,  
Cutcheon,  
C. Davis,  
Ira Davis,  
Douglas,  
Fallass,  
Follett,  
Foote,  
Gilbert,  
Goodrich,

Mr. A. L. Green,  
N. K. Green,  
Hadley,  
Haire,  
Henderson,  
Hemingway,  
Hill,  
Hodges,  
Howell,  
Hurd,  
Jones,  
Joy,  
Kanouse,  
Kelsey,  
Leetch,  
Lockwood,  
Morrison,  
Moore,  
Persons,  
Peterson,  
Phelps,  
Piper,  
Pringle,  
Rankin,

Mr. Read,  
Sessions,  
Shank,  
Shanahan,  
Smith,  
A. Stevens,  
Stewart,  
Stoddard,  
Strong,  
Taylor,  
Tibbits,  
Wade,  
Wallin,  
Warner,  
Waterbury,  
Wheeler,  
T. M. Wilson,  
J. B. Wilson,  
Winans,  
Woodman,  
Woodward,  
Wright,  
Speaker,

71

## NAYS.

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Title agreed to.

On motion of Mr. Morrison,

The House adjourned till to-morrow morning at 9 o'clock.

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*Lansing, Thursday, February 21, 1861.*

The House met pursuant to adjournment, and was called to order by the Speaker.

Prayer by the Rev. Mr. Gillet.

Roll called : quorum present.



Absent at roll call, without leave, Messrs. Douglas and Taylor.

Mr. Goodrich asked and obtained leave of absence for Mr. Taylor for an indefinite time, on account of sickness.

PETITIONS PRESENTED.

By Mr. Tibbits: petition of sundry persons, praying relief against the taxes and other burthens imposed upon the people of the ninth ward of the city of Detroit;

Referred to the committee on banks and incorporations.

By Mr. Childs: petition of Thomas F. Burton, John F. Hubbard and 29 others, inhabitants of Washtenaw county, for a tax on dogs;

Referred to the committee on agriculture and manufactures.

By Mr. Alexander: petition of E. B. Sherwood and 44 others, citizens of Berrien county, asking for an appropriation of \$5,000 to the suffering poor in Kansas;

Laid on the table.

By Mr. Peters: remonstrance of Samuel Bartlett and 39 others, citizens of Monroe county, against the passage of a law to prohibit fishing with pond nets in the waters of this State;

Referred to the committee on State affairs.

By Mr. Blakeslee: remonstrance of Alonzo Ferguson, James H. Davis and 56 others, citizens of the township of Springfield, Oakland county, against any alteration in the road known as the Pontiac and Grand River road in the said township;

Referred to the committee on roads and bridges.

By Mr. Wetherby: petition of Benj. F. Ferris, J. M. Rowell and 50 others, asking for the repeal of an act (act No. 162,) passed February 13, 1855; and also an act passed February 15, 1859, known as the personal liberty laws;

Laid on the table.

By Mr. Fowle: petition of Stephen Fitzsimmons, Daniel Laffer and 22 others, praying for the enactment of a stringent usury law;

Also, petition of Parley Brown, Michael Depue and 19 others, for the same purpose;



Also, petition of Harvey Osborn, Wm. Chester and 42 others, for the same purpose;

Also, petition of D. G. Mosher, Wm. Moore, and 18 others, for the same purpose;

Also, petition of Emanuel Bently, Freeman Page and 27 others, for the same purpose;

Also, petition of E. T. Chester, A. R. Kellogg and 35 others, for the same purpose;

Also, petition of Z. H. Gray, Almond Colton and 17 others, for the same purpose;

Also, petition of Charles Mosher, Peter B. McArthur and 14 others, for the same purpose;

Also, petition of H. N. F. Lewis, Joseph Cleveland and 41 others, for the same purpose;

All of which were laid on the table.

By Mr. Shank : petition of Eber M. L. Cory and 20 others, asking a law to relieve observers of the seventh day of the week from the necessity of defending suits on said day;

Laid on the table.

By Mr. Brownell : remonstrance of sundry persons against the organization of the county of Bleeker;

Laid on the table.

By Mr. A. Stevens : remonstrance of Harvey Williams and 175 others, against the passage of any law which shall prohibit trap net fishing;

Referred to the committee on State affairs.

By Mr. A. Stevens: petition of Geo. E. Smith, A. Miller, B. B. Hart and 60 others, for a State road from Bay City to East Saginaw, and an appropriation of swamp land for the same ;

Referred to the committee on public lands.

By Mr. Choate: remonstrance of James Mulholland, Andrew J. Kinney, Samuel Stillwell and 71 others, citizens of Monroe, against the passage of a law to prohibit fishing with pond nets in the waters of this State ;

Referred to the committee on State affairs.

By the Speaker: petition of the employees in the State print-



ing office, asking that the House authorize the committee on ways and means to employ a clerk ;

Mr. Howell moved that the petition be rejected ;

On motion of Mr. Blakeslee,

The whole subject was laid on the table.

#### PRESENTATION.

The Speaker presented to the House, with the compliments of O. F. Dietrich, a lithographic view of the city of Grand Rapids.

#### REPORTS OF SELECT COMMITTEES.

By the select committee on apportioning anew the representatives among the several counties and districts of this State:

The special committee to whom was referred certain bills "to apportion anew the representatives among the several counties and districts of this State," with instructions to report a bill on the basis of one representative for every ten thousand inhabitants,

Have had the same under consideration, and herewith report back House bill No. 39, with certain amendments, in which they ask the concurrence of the House, and ask to be discharged from the further consideration of the same.

Respectfully submitted.

S. M. CUTCHEON, *Chairman.*

Report accepted and committee discharged.

Mr. Childs moved that the House concur in the amendments made by the committee ;

Mr. Howell moved that the bill be laid on the table, and ordered printed, with the amendments made by the committee ;

Which motion prevailed.

By the joint committee on constitutional amendments:

The joint special committee upon constitutional amendments to the Constitution, to whom was referred the matter to enquire and report what amendments to the Constitution were desirable and necessary, and also, several resolutions from each House, have had the same under consideration, and would respectfully report, that as the result of their examination of the



matter committed to them, the many amendments that would be desirable to make the present Constitution subserve the purpose of being a convenient organic law for the government of any well regulated State, would be so numerous as to constitute almost an entire revision of the instrument, which your committee believe, in view of the early time when the question of revision is to be submitted to the people, under the provisions of that instrument, the present Legislature would not be disposed to adopt. Your committee, however, find some points in which they deem it indispensable that amendments should be made, in order to enable the government to proceed with any degree of convenience or success. To that end, therefore, they herewith report a joint resolution embracing such amendments as they deem indispensably necessary, entitled

Joint resolution to provide for amendments of article 6, section 2; article 9, section 1; article 13, section 6; article 15, sections 1, 2 and 4; article 20, sec 2, of the constitution of the State of Michigan, .

And recommend its adoption.

All of which is respectfully submitted.

S. L. WITHEY,

*Chairman of the Senate Committee.*

THOS. W. LOCKWOOD,

*Chairman of House Committee.*

Report accepted.

The joint resolution was read a first and second time, by its title, ordered printed, referred to the committee of the whole and placed on the general order.

#### MOTIONS, RESOLUTIONS AND NOTICES.

Mr Howell offered the following :

*Resolved*, That the view of the city of Grand Rapids, presented to the House, be put in a substantial frame and hung in the State library.

Mr. Gilbert offered the following as a substitute:

*Resolved*, That the thanks of this House be returned to C. F. Dietrich, Principal of the Grand Rapids Mercantile Institute, for



a lithographic view of that city presented to the House, and that the Clerk be instructed to send him a copy of this resolution.

Which substitute was accepted.

The resolution was then adopted.

Mr. Gilbert offered the following:

*Resolved*, That the committee on supplies be instructed to cause to be properly framed and suspended in the State library, a lithographic view of the city of Grand Rapids now in possession of the House.

Which was adopted.

GENERAL ORDER.

On motion of Mr. Childs,

The House went into committee of the whole on the general order,

Mr. Pratt in the chair.

After some time spent therein, the committee rose, and, through the chairman, made the following report:

The committee of the whole have had under consideration the following entitled bills:

1. House bill, No. 28, entitled

A bill to amend an act entitled an act to organize the township of Garden Island, and to change the name of said township;

2. House bill No. 84, entitled

A bill to provide for holding inquests on the view of dead bodies within the cities of this State by the coroners of the counties in which they are situate;

3. Senate bill No. 33, entitled

A bill compelling mining companies in the Upper Peninsula of Michigan to file with the county treasurer of the county in which they are doing business, a list of their stockholders, and the amount of the indebtedness of the companies;

Have made sundry amendments thereto, and have directed their chairman to report the same back to the House, asking concurrence therein, and recommend their passage.



The committee of the whole have also had under consideration the following entitled bill :

4. House bill No. 110, entitled

A bill to provide the Auditor General's office with recorded plats of cities, villages and towns;

Have stricken out all after the enacting clause, and have directed their chairman to report that fact to the House, and to recommend its concurrence therein.

The committee of the whole have also had under consideration

5. House bill No. 93, entitled

A bill to provide for the formation of companies to construct canals or harbors and improve the same;

And report the same back to the House without recommendation, and ask to be discharged.

G. E. PRATT, *Chairman*.

Report accepted and committee discharged.

The amendments to the first, second and third named bills were concurred in, and the bills ordered engrossed for a third reading.

The fourth named bill was laid on the table.

On motion of Mr. Howell,

The fifth named bill was referred to a select committee of three.

On motion of Mr. A. W. Davis,

The House took a recess until 2 o'clock this afternoon.

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AFTERNOON SESSION.

2 o'clock P. M.

House met pursuant to adjournment, and was called to order by the Speaker.

Roll called : quorum present.

The Speaker announced Messrs. Howell, Joy and Hemingway, as the special committee on House bill No. 93, entitled

A bill to provide for the formation of companies to construct canals or harbors, and improve the same.



## SPECIAL ORDER OF THE DAY.

Being the consideration of House bill No. 114, entitled

A bill to amend an act entitled an act to provide for the draining and reclamation of swamp lands, by means of State roads and ditches, being act No. 117, of session laws of 1859.

Mr. Pringle moved to amend the bill by striking out the word "value," in the 14th line of section 2, and insert the word "amount" in place thereof;

Which motion prevailed.

Mr. Pringle moved to amend by inserting between the words "the" and "lands," in the 28th line of section 4, the words "value of the;" also, by inserting the words "minimum price fixed by law," after the word "charged," in the same line;

Which motion prevailed.

Mr. Haire moved to strike out all of section 5, after the word "year," in the tenth line;

Mr. Wallin moved to amend the amendment by striking out all after the word "State," in the twelfth line;

Which motion was withdrawn.

The question recurring upon the original amendment to strike out,

Mr. Howell demanded the yeas and nays.

The demand was seconded, and the motion prevailed, by yeas and nays, as follows :

## YEAS.

Mr. Adams,  
Alexander,  
Atwood,  
Baker,  
Beamer,  
Bunce,  
Chase,  
Choate,  
Chapoton,  
Cooley,  
Cox,  
Crego,  
Cutcheon,

Mr. Haire,  
Hill,  
Hodges,  
Hood,  
Joy,  
Kanouse,  
Kelsey,  
Leetch,  
Lockwood,  
Miller,  
Morrison,  
Moore,  
Persons,

Mr. Read,  
Shank,  
A. Stevens,  
Stoddard,  
Strong,  
Tibbits,  
Toll,  
Wade,  
Wallin,  
Warner,  
Waterbury,  
Wetherby,  
J. B. Wilson,



A. W. Davis,  
Ira Davis,  
Foote,  
Goodrich,  
N. K. Green,  
Hadley,

Peters,  
Peterson,  
Piper,  
Pratt,  
Pringle,  
Rankin,

Winans,  
Woodman,  
Woodward,  
Wright,  
Speaker,

56

## NAYS.

Mr. Blakeslee,  
Childs,  
Cook,  
C. Davis,  
Fallass,  
Follett,  
Fowle,

Mr. Gilbert,  
Gregory,  
A. L. Green,  
Henderson,  
Howell,  
Hurd,  
Phelps,

Mr. Ramsdell,  
Sessions,  
Shanahan,  
Smith,  
Stewart,  
Wheeler,  
T. M. Wilson, 21

Pending the announcement of the vote,

Mr. Miller moved that Mr. Wheeler be excused from voting ;  
Which motion did not prevail.

Mr. Wheeler then voted as recorded above.

Mr. Wallin moved to insert after the word "year," in the 10th line of section 5, the words, "and he shall also report at such other times as the Governor may direct;"

Which motion prevailed.

Mr. C. Davis moved to insert the words "and marshes," after the word "land," in the fifth line of section 5;

Which motion prevailed.

Mr. Tibbits moved to amend by inserting after the word "commissioner," in the second line of section seven, the words, "including his expenses;"

Which motion prevailed.

Mr. Pringle moved to amend by inserting the words, "or special commissioner," after the word "commissioner," in the second, fourth and eighth lines of section seven;

Which motion prevailed.

Mr. Warner moved to strike out the word "three," in the second line of section seven, and insert the word "two;"

Which motion did not prevail.

Mr. Pringle moved to add the following proviso at the end of section seven: "*Provided*, That the Board of Control may allow expenses for traveling to special commissioners;"



Which motion did not prevail.

Mr. C. Davis moved to amend by inserting the word "organized" at the end of the 7th line of section 8 ;

Which motion was withdrawn.

Mr. O. Davis moved to strike out all of section 8; after the word "county," in the 8th line ;

Which motion did not prevail.

Mr. Woodman moved to amend by inserting the following, after the word "county," in the 4th line of section 9 : "as shown by act of Congress, granting certain swamp lands to the State of Michigan, approved September 28, 1850, and shall be;"

Which motion prevailed.

Mr. J. B. Wilson moved to strike out the words "ratably and in proportion to the number of acres in each organized county," in the 3d and 4th lines of section 9 ;

Which motion did not prevail.

Mr. Tibbits moved to strike out the words "said lands," after the word "reclaiming," in the 3d line of section 9, and insert in lieu thereof, the words "the swamp lands of this State ;"

Which was withdrawn.

Mr. Cutcheon then moved to amend by striking out the words "said lands," after the word "reclaiming," and insert in place thereof the words "swamps, and construction of roads and bridges;"

Which motion prevailed.

Mr. Howell moved to add the following proviso to section 9:

"*Provided*, That such lands shall be selected under the direction of the board of control, under the provisions of this act;"

Which motion prevailed.

Mr. Jones moved to strike out the word "one," in the second line of section 9, and insert "three;"

Which motion did not prevail.

Mr. Cutcheon moved to strike out the word "million," in line 2 of section 9;

Which motion did not prevail.



Mr. Pringle moved to insert the words "half of a," between the word "one" and "million," in the second line of section 9;

Pending which motion,

Mr. Sessions moved that the House take a recess until 7½ o'clock.

On motion of Mr. C. Davis,

The House adjourned till to-morrow morning at 9 o'clock.

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*Lansing, Friday, February 22, 1861.*

House met pursuant to adjournment, and was called to order by the Speaker.

Prayer by Rev. Mr. Armstrong.

Roll called : quorum present.

Absent at roll call without leave, Messrs. Brownell, Cooley, Douglas and Hood.

Mr. Hadley asked and obtained leave of absence for Mr. Cooley until Tuesday next.

Mr. Warner asked and obtained leave of absence for Mr. Douglas for an indefinite time, on account of sickness.

Mr. Warner asked and obtained leave of absence for Mr. Brownell for an indefinite time, on account of sickness.

Mr. Tibbits asked and obtained leave of absence for Mr. Hood for an indefinite time, on account of sickness.

PETITIONS PRESENTED.

By Mr. Wade : petition of Aaron Brown and 79 others, of Leoni, Jackson county, for an amendment of the present liquor law ;

Laid on the table.

By Mr. Henderson : petition of Ezra Brackett, John D. Wright and 40 others, asking the passage of a law for the relief of persons observing the seventh day of the week, as the Sabbath, from service of process ;

Laid on the table.

By Mr. Joy : petition of O. Wilcox and others, praying for



the passage of the bill now before the House, for the collection of demands against boats and vessels ;

Laid on the table.

By Mr. Shank : remonstrance of Wm. M. Webb and 24 others, against any division of the counties herein named ;

Also, remonstrance of Gilbert Chilson and 7 others, to the same purpose ;

Also, remonstrance of John Wright and 13 others, to the same purpose ;

Referred to the committee on towns and counties.

By Mr. Tibbits : memorial of Wm. Woodbridge, D. Thompson, F. E. Eldred, N. W. Brooks, Porter Kibbee, and others, taxpayers of the city of Detroit, praying for relief against taxes and other burthens, in the 9th ward of the city of Detroit ;

Referred to the committee on banks and incorporations.

By Mr. Hill : petition of Anthony Schurity and 50 others, for the construction of a State road from East Saginaw via Watrousville to Forestville ;

Referred to the committee on public lands.

By Mr. Pringle : resolutions of the board of supervisors of Jackson county, asking a change in the law relating to probate fees, to temporary relief of poor persons, and to the execution of indentures of infant paupers ;

On motion of Mr Pringle,

The resolutions were ordered printed in the journal.

The following are the resolutions :

*Resolved*, That in the opinion of this board, the proviso contained in the 5th section of act No. 187, on page 519 of the laws of this State, passed A. D. 1859, is an unjust discrimination in the settlement of estates in the probate courts, and that we are of the opinion that every estate administered upon in said courts should be taxed in proportion to their appraised value ; therefore

*Resolved*, That our Representatives and Senator be requested to use their influence to procure the amendment of said section 5 by repealing said proviso.



*Resolved*, That a certified copy of the foregoing resolution be furnished the Senator and Representatives of this county by the clerk of this board.

Also the following preamble and resolutions were adopted:

*Whereas*, It appears to this board by the examination of the statutes relating to the support of poor persons by townships, and that no officer now has the power to bind by indenture, infant children, who are town charges;

*And whereas*, Many occasions arise where a small temporary relief to poor persons or families, may save the large expense of maintaining them at the county poor house, and many small children might be bound by indentures to their great advantage, as well as that of the public ; therefore

*Resolved*, That the Senator and Representatives elect, from this county, be and they are hereby requested to call the attention of the next Legislature to the subject, and to use all proper efforts to procure the passage of a law giving to townships the power to afford, through their supervisor and town board, such incidental relief as may be deemed for the best interest of the township, without the intervention of a justice of the peace or a resort to the county treasury, and also that the supervisor or some other officer be authorized to execute indentures binding infant poor persons as apprentices or servants.

#### REPORTS OF STANDING COMMITTEES.

By the judiciary committee:

The committee on the judiciary, to whom was referred House bill, entitled

A bill to amend chapter 10 of the compiled laws, in relation to certain duties and compensation of county surveyors,

Respectfully report that they have had the same under consideration, report it back with the recommendation that it do pass, and ask to be discharged from the further consideration of the subject.

THOS. W. LOCKWOOD, *Chairman*.

Report accepted and committee discharged.



The bill was ordered printed, referred to the committee of the whole, and placed on the general order.

By the judiciary committee:

The committee on the judiciary, to whom was referred House bill, entitled

A bill to amend chapter 64, of chapter 172, of the revised statutes of 1846, the same being section 6220 of the compiled laws,

Respectfully report that they have had the same under consideration, return the same to the House, recommend that it do not pass, and ask to be discharged from the further consideration of the subject.

THOS. W. LOCKWOOD, *Chairman.*

Report accepted and committee discharged.

On motion of Mr. Wallin,

The bill was laid on the table.

By the committee on the judiciary :

The committee on the judiciary, to whom was referred House bill, entitled

A bill relative to the issuing of capiases for witnesses in criminal cases,

Respectfully report that they have had the same under consideration, report it back with the recommendation that it do pass, and ask to be discharged from the further consideration of the subject.

THOS. W. LOCKWOOD, *Chairman.*

Report accepted and committee discharged.

The bill was ordered printed, referred to the committee of the whole, and placed on the general order.

By the judiciary committee :

The committee on the judiciary, to whom was referred House bill entitled

A bill to authorize any township in the county of Allegan to make loans for the improvement of the Kalamazoo river and harbor,

Respectfully report that they have had the said bill under



consideration, return the same with the accompanying substitute, with the recommendation that the said substitute do pass, and ask to be discharged from the further consideration of the subject.

THOS. W. LOCKWOOD, *Chairman.*

Report accepted and committee discharged.

The substitute offered by the committee was adopted.

On motion of Mr. Wallin,

The bill was placed the order of third reading.

By the committee on the asylum for the insane :

The committee on the Michigan Asylum for the Insane, to whom was referred the report of the Trustees, and who were instructed to visit and examine the institution, have discharged that duty, and beg leave to submit the following report :

In the condition and treatment of the lunatic, we find a reflection of the spirit of each particular age. In earlier times, as a demoniac, supposed to be possessed of a devil, we find him the victim of torture and horrid exorcism ; or, driven forth from before the face of man, he became as a beast with the beasts of the field, an inmate of caves and dens, and when his morbid fancies so directed, a wanderer among the tombs. When superstition became somewhat refined, we find him worshipped as a divinity, his wants administered to in temples, by attendant priests, and his ravings pronounced oracular.

Still later, as outcasts, the insane were banished into the wilderness, or borne to isolated places whence return was impossible, and there left to perish. Subsequently, considerations of public peace and safety led to their incarceration in prisons and dungeons, and at the commencement of the last century the word lunatic was associated with mad houses and brutal keepers, with chains and scourges, and everything the mind could conceive of as terrible and cruel.

A few years afterwards we find the philanthropists of England and France, without previous consultation and almost at the same moment, instituting efforts for the amelioration of their condition. The recorded results of those successful efforts



are considered bright pages in the history of those countries, and jealous controversies have arisen to secure to each nation the coveted honor of priority. A new era was thus established. Institutions for the special treatment of those suffering under the different forms of mental disease were rapidly multiplied. At first, these were of course more or less incomplete and faulty in construction and organization, but under the guidance of science and humanity, and sustained by an enlightened philanthropy, they have attained a high degree of perfection, and rank as the noblest in that circle of charities, now embracing every class whose infirmities demand public aid; "restoring the wandering and dethroned reason of the insane, enlightening the dark chaotic mind of the deaf and dumb and the blind, and which has been recently completed by clothing with intelligence the hitherto neglected idiot."

Experience has established the fact, that insanity is a disease almost always susceptible of relief, and in a large majority of cases (about 80 per cent.) curable when treatment is early commenced and properly directed; also, that medical skill avails but little without the appliances of an institution especially designed and organized for the purpose. The expense of the support of the incurable insane of a community must of necessity be a heavy burden, from which relief can be expected only to the extent to which curative means can be made effective and available. Statistical research has also shown that insanity is a most prolific source of pauperism, and an official report of one of the Eastern States ranks it third in a list of causes arranged in the order of their frequency. The advantages of a policy which provides ample curative accommodation for all the insane of a community is therefore very obvious.

In 1850 the ratio of insanity to the population in the United States was one to twelve hundred and eighty. Michigan has now a population of 757,683: taking the same ratio the number of insane in our State is about 600 (591), and we apprehend that the National Census soon to be published will show that this number is not exaggerated. It surely cannot be supposed



that more than one-half of this number are already beyond hope, and we therefore know that we have within our limits this moment at least three hundred insane persons, for whom considerations of economy alone—dollars and cents—to say nothing of the peace and safety of the community or the higher motives of humanity, require that hospital provision should now exist ; and yet, on the day of their visit to the Asylum, your Committee found the completed portions of the building fully occupied, sixteen male patients in a wooden carpenter shop recently converted into a ward, and all applications for admission necessarily refused or deferred.

The necessity of constructing the remaining wing at once, as recommended by the Trustees, in their report, was made but too apparent ; and your committee unanimously, and without hesitation, recommend \$45,000 for the year 1862, and also the same amount for 1863.

In considering the propriety, or necessity, of an appropriation for this purpose, at the present time, it should be remembered that a ward containing twenty-five beds, will furnish, in the course of a year, to curable patients, accommodations for at least eighty. Also, assuming, as above, that there are three hundred insane in our State, proper subjects for immediate treatment, there is no less a sum than \$35,000 paid annually for their support, nearly all of which is so directed as to afford but a slight remunerative return. Your committee can perceive no particular distinction between the interests of the taxpayer as a citizen of the county, or a citizen of the State ; and in this matter, the most obtuse cannot fail to see the direct pecuniary advantage of the course recommended.

Your committee also recommend the appointment of a Chaplain to the institution, as suggested by the Board of Trustees, and also that the reports of the officers of the Asylum be published annually, instead of bi-ennially, as heretofore.

Of the building, your committee can but speak in the highest terms. Its strength, durability of material, economy in its con-



struction, and its fitness for the purpose for which it was designed, call for our highest commendation.

Your committee feel that they would neglect an important duty if they should omit to notice the fidelity with which they believe the officers of the institution have discharged their responsible duties. Many of them, without pecuniary reward, have sacrificed their time, their only reward being the consciousness of benefitting a class of our fellow citizens of all others the most unfortunate.

Of Dr. Van Deusen we can but speak in the highest terms. The general good order, neatness, and air of cheerfulness, seemed remarkable for the demented, and in some cases, wild insanity of the inmates, and speak the highest praise of the Superintendent.

S. S. FALLASS, *Chairman.*

Report accepted.

On motion of Mr. Howell,

The report was ordered printed.

By the committee on ways and means:

The committee on ways and means, to whom was referred the Senate bill to provide the means for the redemption of the bonds of the State, maturing January 1, 1863, have had the same under consideration, and have instructed me to report :

That the bill proposed by that body is simply a bill to continue the debt of the State at its present amount, and pay the same for twenty years longer. It does not at all contemplate the gradual, or even the ultimate extinguishment of the debt ; and should the bill pass in that form, there is scarcely a possibility that, at the end of the next twenty years, the State debt would be any smaller than it now is. The bill contemplates no sinking fund, by which any portion of the debt may be provided for. This is so obviously contrary to the true interest of the State, that the committee have been unable to recommend it. In addition to these considerations, also, the provisions of the Constitution—almost, perhaps, the only good one in it—section 9, of article 14, requires the legislature to provide a sinking



fund of not less than \$20,000 a year, to be increased, annually at least five per cent., to be applied solely to the extinguishment of the debt—a provision hitherto neglected, but not the less binding upon this body, and so obviously in accordance with the true interests of the State, that the committee would deem themselves not acting up to their duty, did they fail earnestly to recommend it, for the adoption of the House. They therefore recommend that a sinking fund be provided for, not large in amount, but sufficiently large, nevertheless, to afford the people of the State the hope, and indeed the prospect, that this debt will be ultimately cleared off, and they be relieved from its burdens. This fund, the committee think, should be raised by an annual tax of one-eighth part of one mill on the dollar of the taxable property of the State, to be levied expressly for this purpose, and in addition to all other taxes. This really very slight—almost imperceptible tax—will produce at this time \$20,000, and as the taxable property of the State increases in value, that amount will increase with it. And this amount, with other moneys coming into the Treasury from the various school funds, will, if applied as the committee think they ought to be, it is believed, nearly extinguish the debt, as it shall mature. These funds are the Primary School, Normal School, and the University Funds. The annual amount paid into the Treasury, to the credit of these funds, is now \$30,000 per annum. It has been used, heretofore, to pay the expenses of the Government; and the debt due by the State to these funds has been permitted to accumulate, year by year. This, again, the committee deem to be most unwise. Experience has always shown that prudence and economy, as well as true wisdom, in the management of the affairs of the State, depends much upon the interest which the tax-payers take in the expenditures of the Government; and that interest must always depend upon the question whether they are annually called upon to provide the means—the money be expended.

Where there is a large fund which can be annually used to defray the expenses of the State, the responsibility of the Leg-



islature to the people is to that extent less than it ought to be, and the interest of the people in its action is diminished in the same degree. The true interest of both, is that the expenditures of each year and all the expenses of the government, shall be raised from the people by the yearly tax. In that case the action of the Legislature immediately affects the interests of the elector, and the public sentiment acts with correspondingly greater effect upon that body of men, and keeps them to a careful, prudent and wise economy. A large fund, therefore, to be used in defraying the ordinary expenses of the government, like the school funds, is doubly mischievous in its influence; for while it is constantly adding to the public debt, it contributes to diminish that watchfulness on the part of the people over the public expenditures which is so important to secure that responsibility which so powerfully influences the conduct of every representative body. It is not too much to say that this State is now suffering from the disregard of principles so manifestly just and so necessary to be observed.

The committee, therefore, have concluded to recommend that all the money *paid* into the treasury to the credit of these funds be added to the sinking fund and sacredly appropriated to the payment of these bonds and sinking the debt.

This will provide each year, at present, \$50,000, and more in the future to be so applied. It will not, perhaps, entirely extinguish it within twenty years, but will so far reduce it that it will be easily controlled, and shortly after entirely cleared off.

That there may be at no one time any large accumulation of money in the treasury, the committee recommend that the bonds to be issued be made payable at different periods, say \$250,000 in five, \$500,000 in ten, \$500,000 in fifteen, and \$750,000 in twenty years. This will not allow sufficient time for any amount of money, difficult to manage, to accumulate in the treasury, while the payments recurring at short intervals, will render it necessary for those who may have charge of the public affairs, to look carefully to the faithful preservation and application of these funds, to the object to which they are to be



set apart. And the committee deem it much better for this reason, that these funds should be too small, rather than too large for the purpose.

The committee, also, have instructed me to say that for the purpose of preventing the accumulation of money, the treasurer should always be authorized to use the money which may be realized from these funds, in the purchase of those bonds first falling due, at their market, or something above their market value, and if they cannot be purchased, then in calling in the temporary loan of \$50,000 made in 1858, at the earliest possible moment. They also recommend that in the intervening time between this and January, 1863, when the bonds of the State mature, the Governor and Treasurer shall have the authority to exchange any of the bonds now to be issued for the present outstanding bonds, should opportunities offer, as may very likely be the case.

In order to carry out these views it has been necessary to modify the bill referred to the Committee by several amendments, which they have made and have incorporated into the bill as amended, and herewith submit the same for the consideration of the House.

JAMES F. JOY, *Chairman.*

Report accepted and committee discharged.

On motion of Mr. Howell,

The House concurred in the amendments made by the committee.

On motion of Mr. Howell,

The report was ordered printed.

On motion of Mr. Joy,

The amended bill was ordered printed, referred to the committee of the whole, and placed on the general order.